City of Fremont Initial Study

1. **Project**: Dias Residential (PLN2014-00195)

2. **Lead Agency name and address:**
City of Fremont Community Development Department – Planning Division
39550 Liberty Street, 1st Floor
Fremont, CA 94538

3. **Lead Agency contact person:**
Bill Roth, Associate Planner
Phone: (510) 494-4450
E-mail: broth@fremont.gov

4. **Project location:** 42232 Mission Boulevard, Fremont, CA 94536 (APN: 513-0450-006-02)

5. **Project Sponsor's name and address:**
Robson Homes (attn.: Jake Lavin)
2185 The Alameda, #150
San Jose, CA 95126
Phone: (408) 345-1767

6. **General Plan Land Use Designation:** Low Density Residential (2.3 – 8.7 dwelling units per acre); Open Space – Hill Face

7. **Current Zoning:** Open Space

8. **Description of project:**

The proposed project includes a Rezoning from Open Space to Preliminary and Precise Planned District (P-2014-00195), Tentative Tract Map No. 8189, Historical Architectural Review, Cancellation of an Agricultural Preserve Contract, and Preliminary Grading Plan to facilitate preservation of an existing single-story house, demolition of existing outbuildings (including barn, chicken coop, garage, sheds, and windmill), and development of 20 detached, single-family homes on 4.5 net acres of an approximately 10.3-acre site within the Hill Area (Central) and Mission San Jose Community Plan Areas of the City of Fremont. The proposed rezoning would conform to the General Plan Land Use designations of Low Density Residential (2.3 – 8.7 dwelling units per acre) below the Toe of the Hill (described below) and Open Space – Hill Face above the Toe of the Hill for the subject site, as the area proposed for residential development is located in the portion of the property that has a General Plan Land Use designation of Low Density Residential (2.3 – 8.7 dwelling units per acre). The proposed project would have a density of approximately 6.3 dwelling units per net acre.

The project site at 42232 Mission Boulevard (APN: 513-0450-006-02) is located on the lower portion of the hillside area northeast of Mission Boulevard and just over 1,000 feet to the northwest of Interstate 680 (I-680) (see Figure 1: Vicinity Map). Development of the property is limited by two voter-approved initiatives: 1) the Hillside Initiative of 1981 (Measure A), which places restrictions on development in the hillside areas east of Mission Boulevard, and 2) the Hill Area Initiative of 2002 (Measure T), which places restrictions on development above the Toe of the Hill (TOH). The TOH is a virtual line drawn along the base of the hills along which the natural grade first becomes 20 percent or more, as defined by slope analysis, on the western side of the hill area from the Fremont – Union City municipal boundary to the Alameda County – Santa Clara County boundary, and on both sides of Niles Canyon and Interstate

680 east of Mission Boulevard to the Fremont city limits. The TOH intersects the project site, such that approximately 4.5 acres at the southeastern portion of the project site are below the TOH and approximately 5.8 acres to the northeast are above the TOH. The proposed project, which is designed to comply with both Measures A and T, would limit improvements to an approximately 4.5-net-acre area, below the TOH, in the southwestern portion of the 10.3-acre lot.

The project would involve the demolition of the existing structures on the site, with the exception of a single-family home, which appears to be eligible for listing on the City of Fremont Register of Historic Resources and would be preserved in its current location, and the removal of trees to accommodate the development. The site would be graded to form building pads and street and sidewalk grades. A new public street would be constructed, connecting the proposed homes to Mission Boulevard and leaving a stub street at the northwest end of the project site for a future connection (see Figure 4: Conceptual Site Plan). Stormwater retention areas would be constructed to the northeast of the existing single-family house and to the south of the new public street as it enters the site from Mission Boulevard. Wastewater and other utilities would be connected to existing facilities adjoining Mission Boulevard. As a part of the project, a water main from Alameda County Water District (ACWD) Pressure Zone 3 would be extended from within Mission Boulevard along the project frontage and into the project site to serve the proposed development.

Approximately 4.5 net acres of the 10.3-acre lot would be subdivided into 21 residential lots (including one lot for the existing single-family house) ranging in size from approximately 4,700 to 34,000 square feet and oriented toward a new public cul-de-sac that will connect the project site to Mission Boulevard. The project would include 20 new two-story detached single family homes. The existing single family house would be preserved in its current location and used as a single-family residence. The new lots to the north and south of the proposed public street would generally be rectangular in shape. The two new lots to the northeast of the cul-de-sac of the new public street would be trapezoidal in shape with the final lot lines subject to change based on the final design of drainage and fire protection requirements. There would be two common area lots for the proposed storm water treatment and landscaping on Mission Boulevard, which would be conveyed to a future Home Owners Association (HOA). The remaining approximately 5.8 acres (all of which is located above the TOH) of the 10.3-acre lot would be placed in an open space easement that would preclude development of all structures other than rural-appearing, open wire-style perimeter fencing. The portion of this area not included in the residential lots would be deeded to the northern, adjacent property owner (42092 Mission Boulevard; APN: 513 045000512), or consolidated into lot 10 (see Figure 4: Conceptual Site Plan). Upon completion of site preparation and final grading, the installation of streets, sidewalks, and utilities, and the construction of the new residences would be completed over an approximately 18-month period.

Circulation and Parking

A new public street would be constructed on the project site, extending approximately 130 feet northeast from Mission Boulevard and continuing southeasterly approximately 100 feet and then northeasterly approximately 430 feet. The street would terminate in a central cul-de-sac within the development and in a stub at the northwestern corner of the project site (see Figure 4: Conceptual Site Plan). The stub street would allow for future neighborhood connectivity, should the adjacent property to the northwest be developed in the future. The new public street would vary in right-of-way width from approximately 39 feet at Mission Boulevard to approximately 56 feet at its widest point, and would provide access to off-street parking for the proposed homes. The street would also include curb and gutter on both sides of the street, underground public utilities, sidewalk, and a landscaped strip (park strip) between the street and sidewalk. Each proposed new single-family house would include a three-car garage, in conformance with the City's parking requirements. Additional on-street parking would be created along the majority of the new public street.

Grading
The site elevation ranges from approximately 225 to 450 feet, with the lowest elevation of the site in the northwestern corner and the highest elevation in the northeastern portion of the site. The site is steeply sloped along the property frontage abutting the Mission Boulevard right of way and then gradually rises to the northeast hills as the distance from Mission Boulevard increases. Approximately 4.5 net acres of the 10.3-acre lot would be graded to install utilities, provide the required grades for streets and sidewalks, and to create level pads for the new homes. An estimated 15,500 cubic yards of cut and 5,800 cubic yards of fill would be required to achieve planned rough grading elevations. An estimated 10,000± cubic yards of soil would be exported from the site. All grading work for the project would occur below the TOH and would be in substantial conformance with the development standards of the (HI) Hillside Combining District, which incorporates the requirements of Measures A and T.

Tree Removal and Replacement
A tree survey was conducted for the property by Monarch Consulting Arborists, LLC., Certified Arborist Rick Gessner, in December 2013, which identified 107 trees with a six-inch-or-greater diameter at breast height (DBH) on the site. Of these trees, 82 qualify for protection under the City's Tree Preservation Ordinance. The remainder are fruit- or nut-bearing trees of various species that are exempt from the ordinance pursuant to Fremont Municipal Code Section 18.215.050. None of the trees on site are City-designated Landmark trees. Of the 82 protected trees, 26 will be removed to facilitate the development of the site. The removal of protected trees is subject to requirements involving the planting of replacement trees or the payment of in-lieu fees to mitigate the removal of trees that cannot be replaced on-site due to land area constraints, in accordance with the mitigation requirements of the City's Tree Preservation Ordinance. The proposed project would include the planting of approximately 66 trees on the project site.

Landscaping
Landscaping for the individual lots would include non-invasive trees, shrubs, and grasses. The stormwater treatment bioretention area to be constructed to the northeast of the existing single-family house would be planted with a mix of plants suitable for stormwater treatment areas. Street trees would be planted in park strips between the sidewalks and the new public street. No new plantings above the TOH are proposed with this project, with the exception of an irrigated wetband consisting of a no-mow fescue variety or other fire-resistant species, subject to approval by the City.

9. Surrounding land uses and setting:

The proposed project site abuts an approximately 11.85-acre lot located to the northwest, which is developed with two single-family houses (one at the base of the hillside and one nearer the top) and several outbuildings and is located in the Residential Single Family – Hillside Combining District R-1-8(H-I) and the Open Space OS Zoning District (see Figure 2: Site Aerial). To the northeast of the proposed site is an approximately 116.5-acrea lot which includes a single-family house and is located in the Open Space O-S Zoning District. To the southeast of the proposed site are two lots, totaling approximately 7 acres, which include the northwestern half of the ACWD ~~Mission San Jose Water Treatment Plant~~ Water Treatment Plant No. 2 (~~MSJWTP or~~ WTP2), and are located in the Public Facilities – Hillside Combining District P-F(H-I) Zoning District. To the southwest of the project site is Mission Boulevard (State Highway Route 238) and, across Mission Boulevard, are single-family houses, which are located in the Residential Single Family (R-1-8) Zoning District.

The segment of Mission Boulevard fronting the project site consists of a four-lane arterial/state highway with two northbound lanes and two southbound lanes, bicycle lanes, and a raised median. The frontage of the site is currently unimproved except for a curb located along the outer edge of the bicycle lane which channels stormwater runoff into the public storm drain system. The property currently contains a single driveway access directly off Mission Boulevard, to the southeast of the existing single-family house.

10. Congestion Management Program - Land Use Analysis: The project analysis must be submitted to the Alameda County Congestion Management Agency for review if "Yes" to any of the following:

☐	YES	☒	NO	This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency.
☐	YES	☒	NO	A Notice of Preparation is being prepared for this project.
☐	YES	☒	NO	An Environmental Impact Report is being prepared.

11. Other public agencies requiring approval: Alameda County Water District, California Department of Transportation, and Union Sanitary District.

12. Other Previous Environmental Review: Fremont General Plan Update EIR (SCH#2010082060)

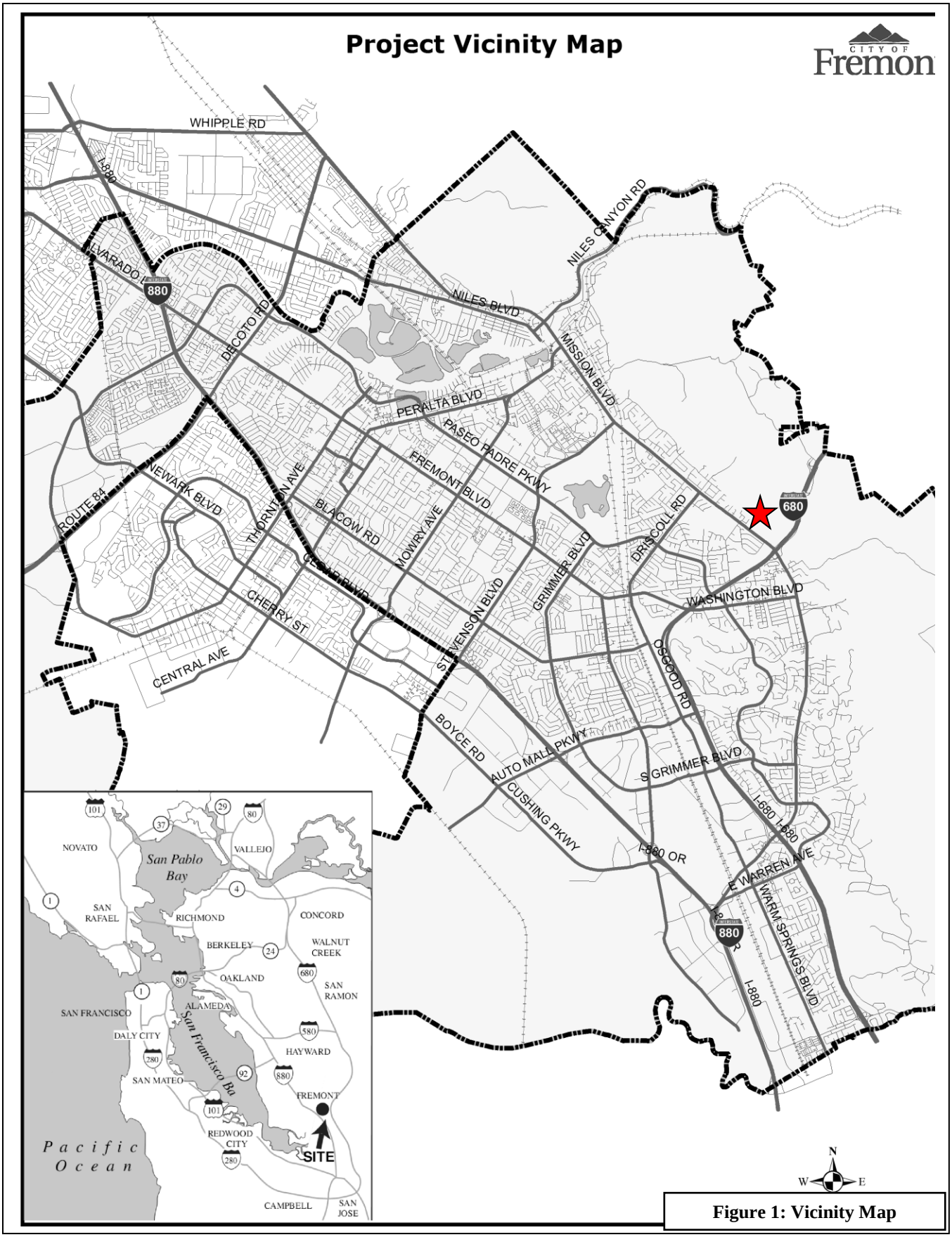

Figure 1: Vicinity Map

Figure 2: Site Aerial

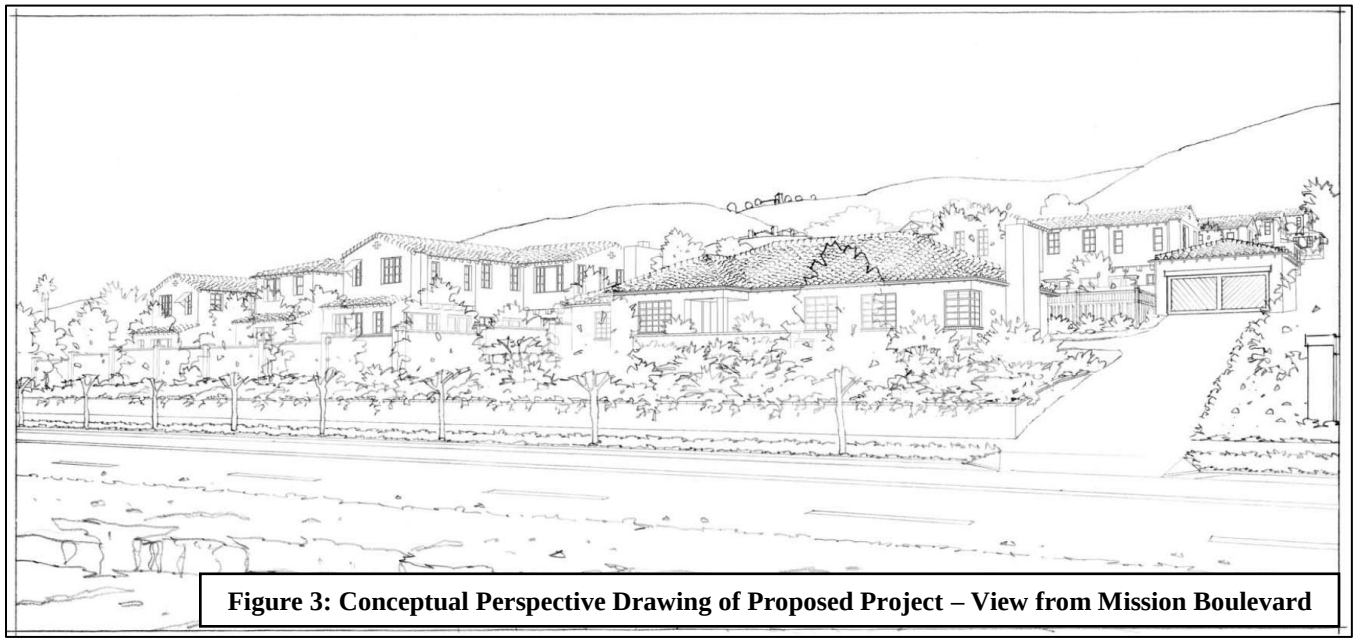

Figure 3: Conceptual Perspective Drawing of Proposed Project – View from Mission Boulevard

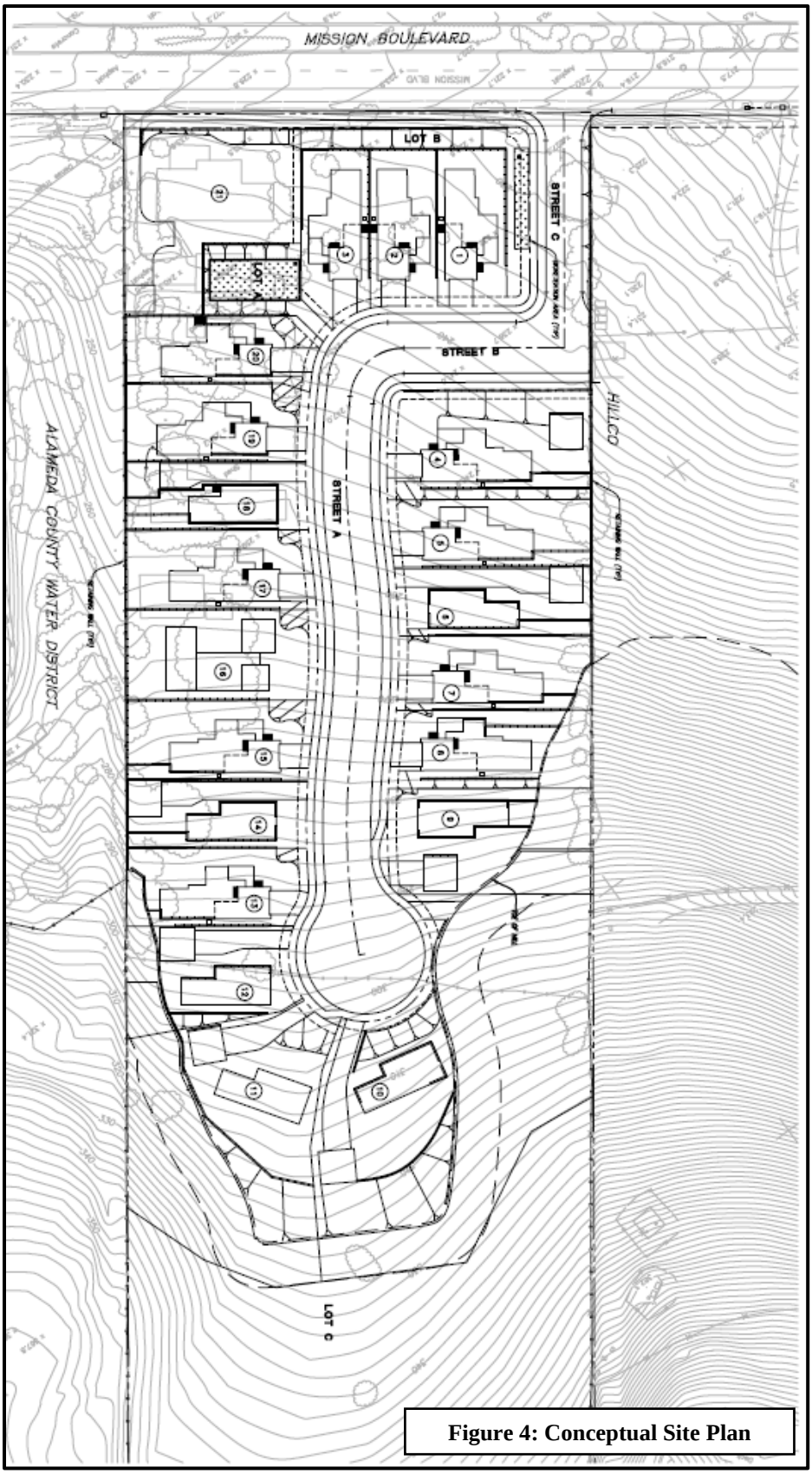

Figure 4: Conceptual Site Plan

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following list indicates the environmental factors that would be potentially affected by this project. Those factors that are indicated as a "Potentially Significant Impact" in the initial study checklist are labeled "PS" while those factors that are indicated as a "Potentially Significant Unless Mitigation Incorporated" are labeled "M".

	Aesthetics		Agriculture and Forrest Resources	M	Air Quality
M	Biological Resources	M	Cultural Resources		Geology / Soils
M	Hazards & Hazardous Material		Hydrology / Water Quality		Land Use / Planning
	Greenhouse Gas Emissions		Mineral Resources	M	Noise
	Population / Housing		Public Services		Recreation
	Transportation / Traffic		Utilities / Service Systems	M	Mandatory Findings of Significance

DETERMINATION BY THE CITY OF FREMONT:

On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____ Date: 10/2/2014

Printed Name: Bill Roth For: City of Fremont

Planning Manager Review: _____

I. AESTHETICS –

Environmental Setting

The project site is comprised of one 10.3-acre lot that includes multiple buildings and structures: main house, garage/utility room; storage sheds; shelter for chicken pens; windmill; chicken house; horse barn; and cistern, which are generally arranged along a driveway that extends along the property's eastern edge. Outside of the developed area around the main house, ruderal vegetation covers the majority of the site. The site elevation ranges from approximately 225 to 450 feet, with the lowest elevation of the site in the northwestern corner and the highest elevation in the northeastern portion of the site. The site is steeply sloped along the property line abutting the Mission Boulevard right of way and then gradually rises to the northeast as the distance from Mission Boulevard increases.

The project site is visible from Mission Boulevard, and a small portion of the site is visible from Interstate 680, though the elevation of the Interstate 680 roadway and existing trees between the site and the highway obscure views. A twenty mile stretch of Interstate 680, beginning east of Mission Boulevard and extending over the Sunol Grade to the Contra Costa County line is a state-designated scenic corridor identified as such for its hillsides and valleys. Mission Boulevard is a city-designated scenic road.

Regulatory Framework

Local regulations that pertain to the proposed project related to aesthetics include:

- City of Fremont General Plan Community Character Chapter (adopted December 2011)
- City of Fremont General Plan Community Plans Chapter (adopted December 2011)
- City of Fremont Municipal Code, Title 18, Planning and Zoning (Reformatted October 2012)

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Have a substantial adverse effect on a scenic vista?			X		1, 8, 11
b	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X		1, 8, 11
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			X		1, 8, 11
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 8, 11

Discussion/Conclusion/Mitigation

a-b) Would the project have a substantial adverse effect on a scenic vista? b) Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Mission Boulevard (State Route 238) is identified as a scenic route in the General Plan, and the Mission Hills to the east of the project site are one of the City's primary scenic resources. Drivers on Mission Boulevard and residents of the homes in the single-family subdivision located across Mission Boulevard currently enjoy views of the Mission Hills foothills to the east. The proposed two-story single-family houses, at heights not to exceed 30 feet above the grade established by

the approved as-built grading plan or the individual lot's approved as-built grading plan, would be constructed on the lower portion of the hillside (Figure 3: Perspective Drawing, Figure 4: Conceptual Site Plan). The development would be visible from Mission Boulevard but would not obstruct views of the hillside above the proposed development and of the ridgeline would be not be obstructed. Drivers traveling southbound on I-680 would see a small portion of the new residential development, but the majority of the development would be screened by existing and proposed trees and existing hillside. As such, the project would have a less-than-significant impact on scenic vistas.

Of the 107 existing trees on the site, 26 would be removed as part of the project, but none of these trees are considered to be scenic resources or of historical significance, and the applicant would be required to replace each tree being removed in accordance with the 1:1 replacement requirement of the City's Tree Preservation Ordinance, to the satisfaction of the City Landscape Architect. The proposed project would include the planting of approximately 66 trees on the project site. Therefore, impacts to the City's urban forest would be less than significant.

Potential Impact: Less than Significant
Mitigation: None Required

c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

The proposed subdivision would be similar in height, mass, and architectural style to many of the single family developments along the segment of Mission Boulevard between Palm Avenue and Via San Dimas. The project would, however, include landscaping and design elements consistent with City standards and design guidelines intended to preserve the aesthetic quality of the surrounding area, including Mission Boulevard. As such, the project would not introduce a type of development that is incompatible with other developments in the neighborhood. The project would result in the removal of 26 trees from the site, but the applicant would be required to plant several new replacement trees in accordance with the requirements of the City's Tree Preservation to mitigate for the loss of the trees being removed.

Furthermore, the subject property contains several outbuildings, many of which have not been maintained, so the removal and replacement of these structures with new housing governed by a Homeowners Association and Covenants, Conditions and Restrictions (CC&Rs) would have a positive visual impact from adjacent properties and Mission Boulevard. For these reasons, the proposed project would not substantially degrade the existing character or quality of the site or the surrounding area.

Potential Impact: Less than Significant
Mitigation: None Required

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The subject property contains only one single-family dwelling and several outbuildings; therefore, construction of the proposed project would result in new sources of light in an area where lighting levels have historically been low. However, the City's Zoning Ordinance requires that all exterior light sources be designed so as not to create significant glare on adjacent properties through the use of concealed source and/or downcast light fixtures. Compliance with the exterior lighting requirements of the Zoning Ordinance would result in the project's having no

significant lighting or glare impacts on adjacent properties.

Potential Impact: Less than Significant
Mitigation: None Required

II. AGRICULTURE AND FOREST RESOURCES

Environmental Setting
The project site is comprised of one 10.3-acre lot, of which approximately 4.5-acres would be developed as part of the project. The majority of the property is shown as Grazing Land on the California Department of Conservation's 2012 Alameda County Farmland Map, while a narrow portion of the property along Mission Boulevard is shown as Urban and Built-Up Land. The property is under the Williamson Act as non-prime agricultural land. In conjunction with the proposed subdivision and entitlement process, the City Council will also consider a request to cancel the Williamson Act contract. ~~Upon City council approval of the project, the contract would be cancelled.~~ To ensure conformance with the Subdivision Map Act (Government Code Section 66474.4(e)(3)), the tentative cancellation of the Agricultural Preserve Contract shall be approved by the City Council prior to the approval of the proposed Tentative Tract Map No. 8189; and the Tentative Tract Map shall be conditioned to require the recordation of the certificate of final cancellation of the Agricultural Preserve Contract and payment of cancellation fees prior to recordation of the Final Map. Additionally, the Tentative Tract Map shall be conditioned to prohibit issuance of any grading or building permits or any other activities that are not compatible with the Williamson Act and the Agricultural Preserve Contract, until such time as the certificate of final cancellation of the Agricultural Preserve Contract has been recorded and fees have been paid.

The site does not include forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526).

Regulatory Framework
State and local regulations that pertain to the proposed project related to agriculture and forest resources include:

- City of Fremont General Plan Conservation Chapter
- California Department of Conservation, Alameda County Farmland Map-Access via URL: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/ala12.pdf

Environmental Checklist
Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	1, 8, 20
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 8, 20

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?				X	N/A
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				X	N/A
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X	N/A

Discussion/Conclusion/Mitigation

a) Would the proposed project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

According to the California Department of Conservation's 2012 Alameda County Farmland Map, the site is not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

b-e) Would the proposed project conflict with existing zoning for agricultural use, or a Williamson Act contract? Would the proposed project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)? Would the proposed project result in the loss of forest land or conversion of forest land to non-forest use? Would the proposed project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The majority of the property is shown as Grazing Land on the California Department of Conservation's 2012 Alameda County Farmland Map, while a narrow portion of the property along Mission Boulevard is shown as Urban and Built-Up Land. The property is under a Williamson Act Agricultural Preserve Contract as non-prime agricultural land. A Notice of Nonrenewal of the Williamson Act Contract was recorded with the Alameda County Assessor by the City of Fremont on November 13, 2013. In conjunction with the proposed subdivision and planning entitlement, the City Council will also consider a request to cancel the contract. Upon City Council approval of the project and recordation of a certificate of tentative cancellation with the County Recorder, the contract would be cancelled.

The subject property includes no agriculturally zoned lands. The proposed project would not result in the loss of forest land or the conversion of forest land to non-forest use. Therefore, no agricultural resource or forest resource impacts would result from the development of the project.

Potential Impact: No Impact
Mitigation: None Required

III. AIR QUALITY

Environmental Setting

The project site is comprised of one 10.3-acre lot, of which approximately 4.5-acres would be developed as part of the project. The project site fronts on Mission Boulevard, is adjacent to the Alameda County Water District (ACWD) ~~Mission San Jose~~ Water Treatment Plant No. 2 (~~MSJWTP~~ WTP2), and is located approximately 1,050 feet to the northwest of Interstate 680 (I-680). The project would involve the demolition of the existing structures on the site, with the exception of a single family home, which will be preserved in its current location, and the removal of 26 protected trees to accommodate the development. The site would be graded to form building pads and street and sidewalk grades.

The project site is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin. Both the Federal Clean Air Act and the California Clean Air Act require the California Air Resources Board (CARB), based on air quality monitoring data, to designate portions of the state where the federal or state ambient air quality standards are not met as "nonattainment areas." Because of the differences between the national and state standards, the designation of nonattainment areas is different under the federal and state legislation. The Bay Area is designated as an "attainment area" for carbon monoxide, nitrogen dioxide, and sulfur dioxide. The region is classified as a "nonattainment area" for both the federal and state ozone standards, although a request for reclassification to "attainment" of the federal standard is currently being considered by the U.S. EPA. The area does not meet the state standards for particulate matter; however, it does meet the federal standards.

The U.S. Environmental Protection Agency (EPA) and CARB have established ambient air quality standards for what are commonly referred to as "criteria pollutants," because they set the criteria for attainment of good air quality. Criteria pollutants include carbon monoxide, ozone, nitrogen dioxide, sulfur dioxide, and particulate matter (PM). Ozone and PM10 are considered regional pollutants, because their concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region. Carbon monoxide is considered a local pollutant, because elevated concentrations are usually only found near the source (e.g., congested intersections).

The BAAQMD defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses (BAAQMD, 2012). Residential areas, day care centers, hospitals, and schools are some examples of sensitive receptors. The nearest sensitive receptors to the proposed project site are two single-family homes on the adjacent lot to the northwest and a subdivision of single-family homes located approximately 105 feet to the southwest, across Mission Boulevard. Mission San Jose High School is located across Mission Boulevard, approximately 1,200 feet to the northwest of the project site. New sensitive receptors include the future residents of the proposed homes.

Regulatory Framework

Federal, state and local regulations that pertain to the proposed project related to air quality include:

- City of Fremont General Plan Conservation Chapter (Air Quality)
- Clean Air Plan: The City of Fremont uses the guidance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts associated with project construction and operation based on criteria pollutants contained in the adopted *Clean Air Plan*. The *Clean Air Plan* focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient concentrations of these pollutants for reporting purposes. The closest of such monitoring station is #1014 at 40733 Chapel Way in Fremont. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects.

These include reactive organic gases (ROG), nitrous oxides (NOx), and particulate matter (PM_{10} and $PM_{2.5}$). Thresholds are whether a project would exceed the emissions of 10 tons per year or 54 lbs per day for ozone precursors. For TACs the City of Fremont has established acceptable thresholds for new sources of increased risk of 10 chances in a million as defined by BAAQMD for their individual TAC emissions. However, for sensitive receptors within developed in-fill areas of the City (such as the residential uses proposed by the project), the City uses the cumulative exposure threshold of 100 chances per million.[1]

- Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines

Environmental Checklist
Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Conflict with or obstruct implementation of any applicable air quality plan?			X		1, 21, 22
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X		1, 21, 22
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X		1, 21, 22
d.	Expose sensitive receptors to substantial pollutant concentrations?		X			1, 3, 6, 21, 22
e.	Create objectionable odors affecting a substantial number of people?			X		1, 3, 6

Discussion/Conclusion/Mitigation

a-d) Would the project conflict with or obstruct implementation of any applicable air quality plan? Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? Would the project expose sensitive receptors to substantial pollutant concentrations?

In formulating its compliance strategies, Bay Area Air Quality Management District (BAAQMD) relies on planned land uses established by local general plans. When a project is proposed in a jurisdiction with a general plan in a manner consistent with that general plan, then it is also considered to be consistent with BAAQMD's *Clean Air Plan*. The project, at a proposed net density of 6.3 units per acre, would be consistent with the City of Fremont's General Plan land use designation for the property of Residential - Low, 2.3 - 8.7 Dwelling Units per Acre. The 2011 General Plan EIR concluded that development projects consistent with the General Plan would not cause or contribute to a violation of the ambient air quality standard for carbon monoxide, and the impact would be considered less than significant.

[1] City of Fremont. *Fremont General Plan Update Final EIR*. September 2011.

The City uses screening criteria developed by the BAAQMD to conservatively determine whether a proposed project could result in potentially significant air quality impacts. Projects that exceed the screening criteria could potentially exceed the thresholds of significance for GHG emissions, potentially resulting in significant adverse air quality impacts. The following table shows screening criteria for new single family homes for operational criteria pollutants, operational GHGs, and construction related emissions.

Land Use	Operational Criteria Pollutant Screening Size	Operational GHG Screening Size	Construction Related Screening Size
Single-family	325 du (NOX)	56 du	114 du (ROG)
Proposed Project	20 du	20 du	20 du

The 20 new single family residences are well below the BAAQMD screening criteria for operational and construction emissions for criteria pollutants such as nitrogen dioxide and reactive organic gasses. Based on the size of the proposed project, it would not result in operational or construction related emissions that would impact local or regional air quality standards. The proposed project would fall below the Operational Criteria, Operational Greenhouse Gases (GHG), and Construction Criteria Pollutant Screening Sizes, per Table 3-1 Criteria Air Pollutants and Precursors and GHG Screening Level Sizes in BAAQMD's May 2011 CEQA Air Quality Guidelines. However, the proposed project involves material export of an estimated 10,000± cubic yards of fill, which is at the screening criteria for construction-related activities that include extensive material transport (e.g. greater than 10,000 cubic yards). Based on the estimated amount of cubic yards of fill to be exported, the project could potentially exceed the threshold for construction emissions. If the Final Grading Plan for the Project indicates that 10,000 cubic yards of soil or more will be exported from the site, Mitigation Measure MM Air-2 will be required. Implementation of Mitigation Measure MM Air-2, Additional Recommended Construction Mitigation Measures, would reduce this impact to less than significant.

For Toxic Air Contaminants (TACs) the City of Fremont has established acceptable thresholds for new sources and receptors of increased risk of 10 chances in a million as defined by BAAQMD for their individual TAC emissions. However, for sensitive receptors within developed in-fill areas of the City (such as the residential uses proposed by the project), the City uses the cumulative exposure threshold of 100 chances per million (Fremont General Plan Update Final EIR. September 2011).

The Fremont General Plan identifies those areas of the City where existing sources of TACs would cause elevated health risks to sensitive receptors located nearby. The *Community Risk Overlays in Fremont* (Appendix C of the Fremont General Plan Final EIR*)* includes maps and data identifying the weighted lifetime cancer risk and elevated $PM_{2.5}$ concentrations associated with major roadways and railways in the City. The project is located outside the 1,000 foot zone of influence radius to the source (Interstate 680). The Community Risk Overlay for the project site (at a distance of 1,000 feet north of Interstate 680) identifies a weighted lifetime cancer risk of approximately 7.1 in one million, which is below the increased cancer risk threshold of 10.0 in a million or greater. This data represents the most accurate estimates of elevated cancer risk from lifetime exposure to freeway emissions. Mission Boulevard, which borders the southwest side of the project site, is associated with an incremental lifetime cancer risk of 10.5 or greater chances per million people extending to about 50 feet beyond the edge of the roadway. The project is considered in-fill in an already developed area of the City and therefore the cumulative exposure threshold of 100 chances per million would apply.

The nearest sensitive receptors to the site are two single-family homes on the adjacent lot to the northwest and a subdivision of single-family homes located approximately 105 feet to the southwest, across Mission Boulevard. Mission San Jose High School is located approximately 1,200 feet to the northwest of the project site. New sensitive receptors include the future residents of the proposed homes.

The Fremont General Plan Community Risk Overlays (Appendix C of the Fremont General Plan Final EIR) include maps and data identifying the weighted lifetime cancer risk and elevated $PM_{2.5}$ concentrations associated with major roadways and railways in the City. The Community Risk Overlay for the project site (at a distance of 1000 feet north of Interstate 680) identifies a weighted lifetime cancer risk of approximately 7.1 in one million. These data represent the most accurate estimates of elevated cancer risk from lifetime exposure to freeway emissions.

Mission Boulevard, which borders the east side of the project site, is associated with an incremental lifetime cancer risk of 10 or greater chances per million people extending to about 60 feet beyond the edge of the roadway. Elevated concentrations of $PM_{2.5}$ at 0.3 micrograms per cubic meter extend outward beyond 50 feet on either side of the road.

Future inhabitants of the project site would not be exposed to health risks beyond City of Fremont standards from cumulative TACs generated by Interstate 680 and Mission Boulevard.

Project construction would occur over an approximately 18-month period. Access to the project site during construction would be provided directly from Mission Boulevard.

Impact Air-1: The project would generate a temporary increase in emissions from truck traffic and diesel-powered heavy equipment near sensitive receptors. The temporary effects of grading activities could cause airborne dust during construction if not managed through conventional dust control methods. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: The BAAQMD CEQA Air Quality Guidelines consider short-term construction impacts from construction pollutants (dust and emissions) less than significant if best management practices are employed to reduce these emissions. Implementation of Mitigation Measure Air-1, below, would reduce impacts associated with particulate matter (fugitive dust emissions) from project construction activities to a less-than-significant level:

MM Air-1: Temporary Construction Emissions. Prior to the issuance of a grading permit, the following best management practices shall be included in a dust control plan to limit fugitive dust emissions and noted on the grading and construction plans along with the contact information for a designated crew member responsible for the on-site implementation of the dust control plan:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.

5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Impact Air-2: Based on the estimated amount of cubic yards of fill that may be exported, the project could potentially exceed the threshold for construction emissions. <u>If the Final Grading Plan for the Project indicates that 10,000 cubic yards of soil or more will be exported from the site, Mitigation Measure MM Air-2 will be required.</u> Implementation of Mitigation Measure MM Air-2 below would reduce this impact to less than significant. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: In conformance with BAAQMD CEQA Air Quality Guidelines (2010), the following Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions Above the Thresholds would reduce impacts associated with particulate matter (fugitive dust emissions) from project construction activities to a less-than-significant level:

MM Air-2: <u>If the Final Grading Plan for the Project indicates that 10,000 cubic yards of soil or more will be exported from the site, Mitigation Measure MM Air-2 will be required.</u> Additional Construction Mitigation Measure for Projects ~~potentially~~ Above the BAAQMD Thresholds of Significance.

1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
5. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.

6. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
8. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
9. Minimizing the idling time of diesel powered construction equipment to two minutes.
10. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.
11. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
12. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.
13. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines.

e) Would the project create objectionable odors affecting a substantial number of people?

As a residential land use, the project would not create objectionable odors, once construction is completed; however, the proposed project would generate odor from localized emissions of diesel exhaust during grading and construction activities due to equipment and truck operations. These odors may be noticeable from time to time by nearby receptors; however, the odors would be temporary and would not affect a substantial number of people. Mitigation Measures Air-1 would further reduce potential impacts through reduced idling times for equipment. The project includes adequate solid waste storage area and is required to comply with the City's solid waste management regulations, which include policies to reduce potential odor impacts from solid waste. As such, the project would not create objectionable odors affecting a substantial number of people.

Potential Impact: Less than Significant
Mitigation: None required

IV. BIOLOGICAL RESOURCES

The following discussion is based in part on the *Biotic Evaluation* report, dated April 3, 2014, prepared for the project by Live Oak Associates, Inc.

Environmental Setting

The approximately 10.3-acre subject property includes both developed and undeveloped land. The site is bordered by Mission Boulevard to the southwest, Alameda County Water District facilities and open space to the southeast, open space hillside to the north and northwest, and residential housing to the west.

The site is currently comprised of a single-family residence, barns, and outbuildings with associated pastures and ruderal fields. The project site has previously been used for residential and agricultural purposes.

The site includes three habitats: ruderal field, developed, and eucalyptus grove. A number of special status plants and animals occur in the vicinity of the site. These habitats and plant and animal species are described in detail in the *Biotic Evaluation* report. Jurisdictional waters, which include lakes, ponds, reservoirs, wetlands, rivers, creeks, and drainages that have a defined bed and bank and which, at the very least, carry ephemeral flows, are absent from the site. There are no known draft or adopted Habitat Conservation Plans that would cover the project area.

Although riparian and wetland habitats are absent from the site, small runoff drainages carry seasonal water from the hills onto the site. The site is gently sloped near Mission Boulevard and the slope increases as distance from Mission Boulevard increases, with the lowest elevation in the northwestern corner and the highest elevation in the northeastern portion. Topography ranges from approximately 200 to 400 feet (61 to 122 meters) National Geodetic Vertical Datum (NGVD).

Regulatory Framework

Federal, state, and local regulations that pertain to the proposed project related to biological resources include:

- City of Fremont General Plan, Conservation Chapter
- City of Fremont Tree Preservation Ordinance
- Federal Migratory Bird Treaty Act
- California Department of Fish and Wildlife Code
- U.S. Fish and Wildlife Service laws and requirements
- Alameda County Flood Control District laws and requirements

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X			1, 8
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X		1, 8
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	1, 8
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or		X			1, 8

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
	impede the use of native wildlife nursery sites?					
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X	1, 3, 8, B
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X	1, 8

Discussion/Conclusion/Mitigation

a-c) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

As discussed in the *Biotic Evaluation*, nineteen special status animal species occur, or once occurred, regionally (*Biotic Evaluation*, Table 2). Of these, thirteen species would be absent or unlikely to occur on the site due to a lack of suitable habitat. The remaining six special status animal species potentially occur more frequently as regular foragers, transients, or may be resident to the site. These include the northern harrier, white-tailed kite, burrowing owl, Townsend's big-eared bat, pallid bat, and American badger. The *Biotic Evaluation* prepared for the site indicates that the proposed project is expected to result in a less-than-significant impact to habitat for regionally occurring special status animal species. However, site development could potentially result in a direct mortality, if found during construction. The mitigations provided below would reduce this impact to less than significant.

Development of the project site will convert disturbed upland areas used by few native wildlife species into an active residential community. While the upland portion of the site provides some habitat for regional wildlife populations, it is not of unique or significant value to such populations. The project will not result in a fish or wildlife population dropping below self-sustaining levels, or threaten to eliminate an animal community. Therefore, development of the site will not constitute a significant adverse environmental impact on wildlife resources.

The proposed project will require grading, excavation, and vegetation removal, thereby resulting in the project site becoming vulnerable to sheet, rill or gully erosion. Eroded soil is generally carried as sediment in surface runoff to be deposited in natural creek/river beds, canals, and adjacent wetlands. To avoid or minimize sedimentation to offsite waters, the applicant will be required to develop an erosion control plan as a condition of approval. The applicant must also comply with standard erosion control measures that employ best management practices (BMPs),

develop a SWPPP per State Water Quality Control Board Stormwater Permit, and conform with the City of Fremont's Storm Water Management and Discharge Control Municipal Code, Title VII, Chapter 11. Implementation of the above listed requirements and conditions would reduce impacts to downstream waters from erosion and polluted stormwater runoff to a less than significant level.

Sensitive natural communities such as riparian habitat are absent from the site. Therefore, there will be a no impacts to sensitive natural communities of the site and mitigation is not warranted for impacts to sensitive natural communities.

Many of the existing trees on-site could potentially provide nesting habitat for some species of migratory and/or otherwise-protected birds. Active bird nests are protected by the federal Migratory Bird Treaty Act and the California Department of Fish and Wildlife (CDFW). As described in the *Biotic Evaluation*, site development may potentially result in direct mortality of individuals of the six special status species that occur or once occurred in the region around the site (northern harrier, white-tailed kite, burrowing owl, Townsend's big-eared bat, pallid bat, and American badger), if they were found present during construction. The following mitigation measures would reduce this impact to less than significant.

Nesting Migratory Birds, White-Tailed Kite

Impact Bio-1.1: Removal of trees, as is proposed with the project, or the undertaking of construction activities around them could result in the abandonment of nesting efforts of migratory and/or otherwise-protected birds. Site development during the white-tailed kite and non-listed raptor nesting season (February 1 through August 31) could result in the abandonment of an active nest. The mortality of individuals that may result would constitute a significant adverse impact of the project.

Mitigation Measure: Implementation of Mitigation Measure Bio-1, below, would reduce impacts to any nesting birds to a less-than-significant level. [Less than Significant with Mitigation Incorporated]

MM Bio-1.1a: Pre-Construction Surveys. If project-related activities are scheduled to occur during the nesting season (February 1 through August 31 for protected raptors and migratory birds), a pre-construction survey will be conducted by a qualified biologist for nesting birds within the onsite trees as well as all trees within 250 feet of the site within 30 days prior to the beginning of any project-related activities. If a lapse in the project-related work of 30 days or longer occurs during the nesting season, another survey shall be required before project work can be reinitiated.

MM Bio-1.1b: If an active nest is found, the permittee (applicant or developer) shall establish a buffer area that surrounds the nest location. The distance of the buffer shall be determined by the survey biologist and shall be dependent on the location of the nest and the affected species. No project-related work or activities shall be permitted within the buffer area until the biologist has determined the young are self-sufficient from their parents. The final determination shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.

Burrowing Owls

Impact Bio-1.2: Development of the project site would result in the conversion of ruderal fields and developed habitat types into habitat unsuitable for Burrowing Owls below the Toe-of-the-Hill or 20% slope line; land above this line will not be impacted. The *Biotic Evaluation* found that suitable nest burrows were largely absent from the site, however, a greater number of clumps of California ground squirrel (Otospermophilus beecheyi) burrows and debris piles were present in the pasture and ruderal field habitat types. Neither individual burrowing owls nor evidence of this species' presence were detected during the December 2013 survey. Additionally, records for this conspicuous species are limited in the immediate vicinity with the closest known burrowing owls being reported approximately two miles from the site. Therefore, given that burrowing owls are unlikely to nest or winter on this site, development of the site is expected to result in a less than significant impact to loss of habitat. Even though this species is not likely to occur on site in the future, owls are volant species and could potentially (though unlikely) move onto the site in the future. The harm, injury or mortality of individuals from site development would be considered significant. Should site grading occur during the nesting season for this species (February 1 through August 31), nests and nestlings that may be present would likely be destroyed. Resident owls may also be buried in their nest burrows outside of the nesting season (September 1 through January 31). Any actions related to site development that result in the mortality of burrowing owls would constitute a violation of the federal Migratory Bird Treaty Act and provisions of the California Fish and Game Code. Therefore, the mortality of burrowing owls would constitute a significant adverse environmental impact. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: Implementation of the mitigation measures listed below would reduce impacts to burrowing owls to a less-than-significant level.

MM Bio-1.2a: A pre-construction survey will be conducted by a qualified biologist for burrowing owls within 30 days of the on-set of construction. This survey will be conducted according to methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). All suitable habitats of the site will be covered during this survey.

MM Bio-1.2b: If pre-construction surveys undertaken during the breeding season (February 1 through August 31) locate active nest burrows within or near construction zones, these nests, and an appropriate buffer around them (as determined by a qualified biologist) will remain off-limits to construction until the breeding season is over or until a qualified biologist has determined that the natal burrow is no longer in use.

MM Bio-1.2c: During the non-breeding season (September 1 through January 31), resident owls may be relocated to alternative habitat. The relocation of resident owls must be according to a relocation plan prepared by a qualified biologist. Passive relocation will be the preferred method of relocation. This plan must provide for the owl's relocation to nearby lands possessing available nesting and foraging habitat.

Townsend's Big-Eared Bat, Pallid Bat, and Other Roosting Bats

Impact Bio-1.3: As indicated in the *Biotic Evaluation*, a number of bat species including, but not limited to the Townsend's big-eared bat and pallid bat may forage on the site year-round or during migration. These bats are protected under the California Fish and Game Code (Sections 2000, 4150, and Title 14) and CEQA. In addition, the Townsend's big-eared bat is currently proposed to be listed in the state of California as Endangered. The Townsend's big-eared bat is currently under a 1-year review with CDFW, during which time, it will be afforded full

protections as an Endangered species until the Commission has finalized their ruling. Several outbuildings, barns, and residences onsite provide potential roosting habitat. In addition, although not within the construction footprint, the eucalyptus grove provides potential roosting habitat for foliage-roosting bats such as the hoary bat and red bat. In particular, the tile-roofs at the residence on the Dias parcel (APN 513-450-6-2) may provide difficult to survey roosting habitat under the tiles; the resident on this parcel also noted past use of the barn by bats.

Site development will potentially result in the mortality of roosting bats. Mitigation measures that protect roosting bats from possible direct mortality are warranted. Therefore, the project applicant will implement the following measures to ensure that bat mortality from project construction is avoided. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: Implementation of the mitigation measures listed below would reduce impacts to Townsend's Big-eared Bat, Pallid Bat, and Other Roosting Bats to a less-than-significant level.

MM Bio-1.3a: A detailed bat survey shall be conducted prior to demolition of onsite buildings or removal of eucalyptus trees (eucalyptus trees are not currently proposed for removal, however, should plans change to remove eucalyptus trees, preconstruction surveys would be necessary). If a non-breeding and non-wintering bat colony is found, the individuals should be humanely evicted via the partial dismantlement of the buildings prior to demolition under the direction of a qualified bat specialist to ensure that no harm or "take" would occur to any bats as a result of demolition activities.

MM Bio-1.3b: If a maternity colony or overwintering colony is detected in the buildings, then a construction-free buffer should be established around the structure and remain in place until it has been determined that the nursery is no longer active. Demolition should preferably be done between March 1 and April 15 or August 15 and October 15 to avoid interfering with an active nursery and/or overwintering bats. Mitigation would not be required for the loss of roosting or foraging habitat for bats, as such habitat is abundantly available regionally.

MM Bio-1.3c: The Townsend's big-eared bat is currently undergoing review to be listed as Endangered under the California Endangered Species Act and is afforded all protections of a fully Endangered species during the review process. Therefore, if a Townsend's big-eared bat maternity colony is detected (typical maternity dates are between April 15 and October 15) during surveys, a take permit (2081 Application) from the CDFW may be required, including a discussion of take avoidance, minimization, and compensation.

American Badger

Impact Bio-1.4: Although badger sign was not observed on the site during the December 2013 survey, as indicated in the *Biotic Evaluation*, it is possible that badgers could be present within the ruderal field and pasture habitats of the site as other undeveloped ruderal field/grassland habitat to the north and east of the site is contiguous with this habitat. Conversion of the ruderal fields and pastures to urban development would result in a less-than-significant loss of habitat for

the American badger but may result in harm or injury to individuals of this species, which would constitute a significant adverse impact.

Site development will potentially result in the mortality of badgers. Mitigation measures that protect badgers from possible direct mortality will be warranted. Therefore, the project applicant will implement the following measures to ensure that bat mortality from project construction is avoided. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: Implementation of the mitigation measures listed below would reduce impacts to American badgers to a less-than-significant level.

MM Bio-1.4a: Pre-construction surveys conducted for burrowing owls should also be used to determine the presence or absence of badgers in the development footprint.

MM Bio-1.4b: If an active badger reproductive den is identified during preconstruction surveys within or immediately adjacent to the construction envelope, a construction-free buffer of up to 300 ft. should be established around the den. Because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor should be present onsite during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or nest abandonment. The monitor would be necessary onsite until it is determined that young are of an independent age and construction activities would not harm individual badgers. Once it has been determined that badgers have vacated the site, the burrows can be collapsed or excavated, and ground disturbance can proceed.

MM Bio-1.4c: If an active day-use den is identified during preconstruction surveys, a construction-free buffer will be established around the den and a biological monitor will monitor the den with tracking medium and possibly wildlife cameras until the badger has left the den and it is no longer in use. Once it has been determined that badgers have vacated the site, the burrows can be collapsed or excavated, and ground disturbance can proceed.

Special Status Plant Species

Impact Bio-1.5: As described in the *Biotic Evaluation*, six of the thirteen special status plant species potentially occurring in the region have a possibility of occurring onsite including heartscale, brittlescale, and San Joaquin spearscale (blooms April through October), lesser saltscale (blooms May through October), Congdon's tarplant (blooms May through November), and Saline clover (blooms April through June). Possible impacts to regional populations of these species from eventual site development may be considered to be a significant adverse impact should these species occur onsite. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: Significant impacts to the special status plant species may be avoided with Mitigation Measure Bio-1.5.

MM Bio-1.5: Surveys of special status plant species should be conducted by a qualified biologist in the appropriate season to determine the presence and extent of these species onsite. For the species listed above, two surveys should occur: one in Spring (April or May) and the other in Fall

(early October). Should these species occur onsite, additional mitigation may be warranted. The final determination on any additional mitigation shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The developed and ruderal field areas of the site where the proposed project will occur do not constitute a movement corridor for native wildlife. Creeks and riparian habitat are absent from the project site. Site development will have little effect on home range and dispersal movements of native wildlife moving through the site. Therefore, this project will result in a less than significant effect on regional wildlife movements.

Impact Bio-1.6: Active bird nests are protected by the federal Migratory Bird Treaty Act and CDFW. Existing trees on the project site may provide suitable nesting habitat for some species of migratory and/or otherwise-protected birds. Removal of these trees or the undertaking of construction activities around them could result in the abandonment of nesting efforts of such birds and, thus, pose a potentially significant impact. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: Implementation of Mitigation Measures Bio-1.1a and Bio-1.1b, listed above, would reduce impacts to active bird nests to a less-than-significant level.

e-f) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The project is required to conform to the City of Fremont's Tree Preservation Ordinance and Storm Water Management and Discharge Control Ordinance. The applicant will be responsible for conforming to these two ordinance requirements and applying for any necessary permits. Adherence to Ordinance requirements would reduce potential impacts to less than significant.

A tree survey was conducted for the property by Monarch Consulting Arborists, LLC, Certified Arborist Rick Gessner, in December 2013, which identified 107 trees with a six-inch-or-greater diameter at breast height (DBH) on the site. Of these trees, 82 qualify for protection under the City's Tree Preservation Ordinance. The remainder are fruit- or nut-bearing trees of various species that are exempt from the ordinance pursuant to Fremont Municipal Code Section 18.215.050. None of the trees on site are City-designated Landmark trees. Of the 82 protected trees, 26 will be removed to facilitate the development of the site. The removal of protected trees is subject to requirements involving the planting of replacement trees or the payment of in-lieu fees to mitigate the removal of trees that cannot be replaced on-site due to land area constraints, in accordance with the mitigation requirements of the City's Tree Preservation Ordinance. The proposed project would include the planting of approximately 66 trees on the project site. There are no draft or adopted Habitat Conservation Plans for the project area at this time.

Potential Impact: Less than Significant
Mitigation: None Required.

V. CULTURAL RESOURCES

The following discussion is based in part on the following documents:

1. *The Manuel and Mary Dias House, 42232 Mission Boulevard, Fremont: An evaluation to California Register Criteria* by William Kostura (Kostura report) – May 2013.
2. *Historic Resource Evaluation Review for 42232 Mission Boulevard* by ARG (ARG Peer Review) – May 2013.
3. *Preliminary Secretary's Standards Compliance Assessment* by ARG – May 2014 (ARG Compliance Assessment)
4. *Phase 1 Cultural Resources Assessment for 42232 Mission Boulevard* by Archaeor – September 2014

Environmental Setting

The property at 42232 Mission Boulevard is located at the northeastern edge of the Mission San Jose area of Fremont, California. The project site is accessed from Mission Boulevard and is located approximately one half mile north of Mission San José, a National Register of Historic Places (National Register) site.

The property includes multiple buildings and structures that are generally arranged along a driveway that extends along the property's eastern edge:

- Main house (built 1949-1951)
- Garage/utility room (1950s)
- Southern storage shed (pre-1950s)
- Shelter for chicken pens (early to mid-1960s)
- Windmill (c. 1930s)
- Chicken house (1950s)
- Horse barn (c. 1911)
- Cistern (1960s)
- Northern storage shed (pre-1950s)

Notable features of the main house include:

- Masonry unit walls, reputedly made of hollow "pumice" or "cinder" blocks that have been infilled with poured concrete and steel reinforcing bar
- Rounded wall edges
- Original industrial steel sash windows
- Roof clad in angular interlocking clay tiles
- Red brick trim at windows, entrance and patio wall

Like the main house, the garage features concrete masonry unit walls and angular clay roof tiles. Historic evaluations prepared for the site have evaluated the main house as potentially eligible for the Fremont Historic Register. Other outbuildings on the site were not assessed as historically significant.

Regulatory Framework

State and local regulations that pertain to the proposed project related to cultural resources include:

- City of Fremont General Plan Land Use Chapter (Historic Resources)
- Fremont Municipal Code, Title 18, Planning and Zoning (Reformatted October 2012), Section 18.175 Historic Resources

Environmental Checklist
Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?			X		1, 28, 29, D, E
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X			1, 11, 28, 29
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X			1, 11, 28, 29
d.	Disturb any human remains, including those interred outside of formal cemeteries?		X			1, 11, 28, 29

Discussion/Conclusion/Mitigation

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?

The Kostura Report and the ARG Peer Review both found that the house at 42232 Mission Boulevard retains a high degree of integrity and appears architecturally significant at the local level as a well-designed and highly intact example of a post-war residence blending Ranch and Moderne stylistic elements. In addition to the masonry walls, notable features of the building include rounded wall edges, industrial steel sash windows, angular interlocking clay roof tiles, and the use of red brick trim at the windows, entrance, and patio wall. As such, the house could potentially be considered eligible for listing on the Fremont register of historic resources. Though the garage retains a high level of integrity, it appears to be architecturally unexceptional. While made of the same kind of pumice block used to build the adjacent house, that material alone does not imbue the garage with architectural significance.

Both reports found that none of the other buildings or structures on the site appeared to possess sufficient significance or integrity to be eligible for listing on the local, state, or national registers. In addition, the reports found that the site as a whole does not retain integrity from any defined period of significance and does not retain integrity as a pre-WWII farm complex. The original farmhouse and tankhouse on the property have been demolished and other agricultural buildings, including the chicken house and chicken pen shelter, were added after World War II. The chicken house and southern storage shed are in a state of advanced dilapidation and do not retain integrity. The cistern and the shelter for chicken pens, both of which date from the 1960s, are unexceptional structures that do not appear to possess any historical or architectural significance. Similarly, the northern storage shed, which dates from the 1950s, is an unexceptional structure lacking in historical or architectural significance. Because the property does not retain integrity as a pre-WWII farm complex, the windmill, as an adjunct structure, lacks sufficient context to be considered historically significant. The horse barn is architecturally unexceptional and, like the windmill, is compromised by the loss of the associated farmhouse and tankhouse.

The proposed project would retain the existing residence, preserve its current location and orientation towards Mission Boulevard, and does not include alterations to the residence's materials or architectural features. Though the proposed development will increase the density on the site, the new construction on the property does not impact an identified historic feature of the residence (see ARG Report). The closest proposed house would be located approximately 28-feet to the north of the existing house. A stormwater retention area (bio-retention area) would be

constructed to the east of the existing single-family house with a 6-foot-high perimeter fence located at least 15 feet from the existing house.

As described in the ARG Compliance Assessment, the proposed project, which includes development around the existing single family house and the preservation in place of the existing house, has been reviewed and found to be in conformance with the Secretary of the Interior's Standards for Rehabilitation. As a condition of approval, any future proposed alterations to the main house would require additional new analysis to determine consistency with the Secretary of Interior Standards. As discussed in the report, the proposed project would not have a substantial adverse impact on the historic significance of the 42232 Mission Boulevard property.

Potential Impact: Less than Significant
Mitigation: None

b-d) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Would the project disturb any human remains, including those interred outside of formal cemeteries?

A Cultural Resources Assessment was conducted for the proposed project by Archaeor Archaelogical Consultants. The report outlines the results of a literature review conducted by the Northwest Information Center (NWIC) at Sonoma State University and a search of the Sacred Lands File maintained by the Native American Heritage Commission (NAHC). Additionally, Archaeor contacted local Native American individuals/organizations, from a list provided by the NWIC, to determine whether those individuals/organizations had knowledge of unreported resources or areas of concern regarding the project area. An archaeological field survey was also conducted on the Area of Potential Effect (APE), in order to visually identify any prehistoric cultural resources which may by present on the surface of the project area.

The results of the literature review, Native American contact, and field survey for this project indicates that there are no known prehistoric cultural resources located within ¼ mile of the project APE, nor are any prehistoric resources located within the APE that should be considered "historically significant" by the lead agency according to the criteria as specified in Section 15064.5(a)(3)(D) of CEQA. However, as identified in the record search performed by the NWIC, there is a moderate potential of identifying Native American archaeological resources and a moderate potential of identifying historic-period archaeological resources in the project area (NWIC File No.: 14-0219).

Potential Impact Cult-1: Construction of the proposed project could result in impacts to buried cultural resources, or paleontological resources should they be discovered on site. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: Although there is no indication that cultural resources are present on the site or in the immediate vicinity, there is always a possibility that unknown resources could be discovered during the redevelopment of the site for the project. Implementing the following measures would reduce Impact Cult-1 to a less than significant level:

MM Cult-1.1: Discovery of Archaeological Resources. If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, all work within 200 feet of the find shall halt until a qualified archaeologist and Native American representative can assess the significance of the

find. Prehistoric materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or tool making debris; culturally darkened soil ("midden") containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.

MM Cult-1.2: Discovery of Human Remains. In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 200 foot radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Alameda County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission within 24 hours. The Commission shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

MM Cult-1.3: Discovery of Paleontological Resources. In the event of the discovery of Paleontological resources during construction or demolition, there shall be no further excavation or disturbance of the site within a 200 foot radius of the location of such discovery until it can be evaluated by a qualified archeologist or paleontologist. Work shall not continue until the archeologist or paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.

VI. GEOLOGY AND SOILS

The following discussion is based in part on the following documents.

- *Geotechnical Investigation – Proposed Residential Development 42232 Mission Boulevard* by Pacific Geotechnical Engineering – November 21, 2013
- *Responses to City of Fremont Review Comments Dated January 15, 2014 for 42232 Mission Boulevard, Fremont, California* by Pacific Geotechnical Engineering – March 4, 2014

- *Responses to City of Fremont Review Comments Dated April 3, 2014 for 42232 Mission Boulevard, Fremont, California* by Pacific Geotechnical Engineering – July 1, 2014
- *Engineering Geologic and Geotechnical Engineering Peer Review – Dias, Proposed Residential Development 42232 Mission Boulevard* by Cotton, Shires and Associates, Inc. – January 15, 2014; April 3, 2014; July 29, 2014.

Environmental Setting

The subject site lies at the range front of the Diablo Range along the eastern margin of the Santa Clara Valley. The Diablo Range consists primarily of belts of sedimentary rocks (Cretaceous-age unnamed sandstone and shale; Tertiary-age Briones Formation sandstone, Tice Shale, Oursan Sandstone, and Claremont formation shale and chert at the latitude of the site) and metamorphic rocks (Franciscan Complex). These rocks have been uplifted relative to the geologically young alluvial fans forming Santa Clara Valley. The site lies between two major strike slip fault zones, the Calaveras fault to the east and the Hayward fault to the west. The Mission fault is mapped through the southwest portion of the subject property close to Mission Boulevard (*Geotechnical Investigation* Section 3.2.4).

The City of Fremont is subject to fault rupture and related seismic shaking from several faults in the area. According to the 2004 State of Geologic and Seismic Hazard Zones map, the project site is located in an area susceptible to earthquake-induced landslide and liquefaction. Furthermore, as with any land in the San Francisco Bay Area, the project site could be subject to strong shaking during a major seismic event.

Regulatory Framework

State and local regulations that pertain to the proposed project related to geology and soils include:

- City of Fremont General Plan Safety Chapter (Seismic and Geologic Hazards)
- City of Fremont Municipal Code (Building Safety)
- California Building Code (2013)

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X	1, 5, 6, G
	ii) Strong seismic ground shaking?			X		1, 5, 6, G
	iii) Seismic-related ground failure, including liquefaction?			X		1, 5, 6, G
	iv) Landslides?				X	1, 5, 6, G
b.	Result in substantial soil erosion or the loss of topsoil?				X	1, 5, 6, 8, G
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?			X		1, 5, 6, G
d.	Be located on expansive soil, as defined in California			X		1, 5,

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
	Building Code, creating substantial risks to life or property?					6, G
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	N/A

Discussion/Conclusion/Mitigation

a-e) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving a major seismic event? Would the project result in substantial soil erosion or the loss of topsoil? Would the project be located on a geologic unit or soil that is unstable or would become unstable as a result of the project, and potentially result in on-site or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? Would the project be located on expansive soil, as defined in the California Building Code, creating substantial risks to life or property?

According to the 2004 California State Geologic and Seismic Hazard Zones maps, the project site is located in an area susceptible to earthquake-induced landslide and liquefaction. Also, as with any new project constructed in the San Francisco Bay Area, the development could be subject to strong ground shaking during a major seismic event. A geotechnical report was conducted for the project by Pacific Geotechnical Engineering on November 21, 2013 (*Geotechnical Investigation*). Subsequent peer review of the report was done by Cotton, Shires and Associates, Inc. (Peer Review Letters).

Conclusions from the Geotechnical Investigation and Peer Review

The following conclusions related to Geology and Soils are provided in the *Geotechnical Investigation*. Key issues raised in the *Geotechnical Investigation*, such as debris flow potential, are further reviewed and discussed in the Peer Review Letters:

1. Surface Fault Rupture: The site is not located in an Alquist-Priolo Earthquake Fault Zone. Because no active or potentially active faults are known to cross the site, it is reasonable to conclude the risk of fault rupture across the site is low.
2. Seismic Ground Shaking: The site is in an area of high seismicity. Based on general knowledge of site seismicity, it should be anticipated that, during the design life of the improvements, the site will be subject to high intensity ground shaking. The proposed improvements will be designed accordingly using applicable building codes and experience of the design professionals to ensure impacts related to seismic ground shaking as less-than-signficant.
3. Liquefaction: The site soils are generally not susceptible to liquefaction as a result of the design earthquake.
4. Landsliding: No landslides are mapped at the site. The steep slopes to the north and east of the property are too far away from the proposed development areas on the site to present a hazard. No landslides or landslide related features during review of aerial photographs and LiDAR (Light Detection and Ranging) imagery, or during field reconnaissance.
5. Debris Flow: As discussed in Section 3.2.3 of the *Geotechnical Investigation* dated November 21, 2013, there appeared to be a low debris-flow hazard for the proposed development. Subsequently, an exploratory trench was excavated and the result was peer-reviewed. The subsurface findings indicate an absence of debris flow at the site *(PGE Report dated July 1, 2014 and Peer Review letter dated July 29, 2014).*

6. Expansion Potential of Site Soils: The results of Atterberg Limits tests for the proposed project indicate the on-site surface and near-surface clayey soils (identified as alluvium and colluvium in the drill hole logs, with grayish brown to very dark grayish brown and very dark brown color) generally have an intermediate plasticity which corresponds to a medium to high expansion potential. The test results also indicate the older alluvium yellowish brown sandy clays generally have a low plasticity which corresponds to a low to medium expansion potential. As all grading, foundations, and structures for the proposed project would be required to be engineered and designed in conformance with applicable geotechnical and soil stability standards as required by the 2013 California Building Code (CBC), the project will avoid impacts related to expansive soils.
7. Existing Fill: As discussed in the *Geotechnical Investigation*, no significant existing fills were encountered in the drill holes for the investigation. However, the report indicates that fills should be anticipated at the site. Where fills are encountered, the project geotechnical engineer will be consulted to evaluate the site conditions and develop mitigation recommendations. A general approach would be to over-excavate and re-compact the fills to the recommendations in the *Geotechnical Investigation*.
8. Foundations for Proposed Retaining Walls: Depending on the amount of cuts and fills, proposed, retaining walls may be constructed on bedrock or on alluvium/colluviums/engineered fill (soils). The report indicates that retaining wall foundations constructed in bedrock may consist of conventional footings whereas retaining wall foundations constructed in soils should consist of drilled piers.
9. Percolation Testing: As discussed in the *Geotechnical Investigation*, percolation testing measured percolation rate of 58 to 280 minutes per inch. These rates are for general assessment of the percolation characteristics of the site soils. The project designer/system designer may require location-specific percolation testing to better determine the percolation rate at a specific location.
10. Soil Corrosivity: Three selected soil samples were tested for general soil corrosivity at the site. The test results and a brief report are included in the *Geotechnical Investigation*. Additional testing may be necessary if soil corrosivity at specific locations is required. The test results may be used in conjunction with CBC requirements in the selection of concrete for use at this site, especially for concrete that will be in direct contact with soil. If necessary, a corrosion engineer may be consulted for additional recommendations on mitigation of soil corrosion.

Based on the results of the geotechnical study and subsequent peer review, the proposed project would not create significant impacts related to Geology and Soils, provided Geotechnical Plan Review and Geotechnical Field Inspection are performed. Both are standard project requirements for a project such as that proposed and are, therefore, not mitigation measures. Both standard project requirements will be incorporated into the Conditions of Approval for the proposed project.

Standard Project Requirements

1. Geotechnical Plan Review. The Project Geotechnical Consultant should review all geotechnical aspects of the project building and grading plans (i.e., site preparation and grading, site drainage improvements, and design parameters for foundations, and retaining walls). The consultant should verify that their recommendations have been properly incorporated into the construction plans. The results of the plan review should be summarized by the geotechnical consultant in a letter and submitted to the City Engineer prior to issuance of building permits.

2. Geotechnical Field Inspection. The Project Geotechnical Consultant shall inspect, test (as needed), and approve all geotechnical aspects of project construction. The inspections should include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel and concrete. The results of these inspections and the as-built conditions of the project shall be summarized by the Project Geotechnical Consultant in a letter and submitted to the City Building Official /City Engineer for review prior to final (as-built) project approval.

All grading, foundations, and structures for the proposed project would be required to be engineered and designed in conformance with applicable geotechnical and soil stability standards as required by the 2013 California Building Code (CBC). Conformance to the applicable 2013 CBC standards would reduce safety impacts to the structures, their occupants, and the adjacent properties to a less-than-significant level.

Furthermore, an erosion control plan would be required with plans submitted for grading and/or building permits to ensure that the project would not result in substantial soil erosion or loss of topsoil during grading and construction activities. As such, impacts associated with geology and soils would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None Required

VII. GREENHOUSE GAS EMISSIONS –

Environmental Setting
With the passage of the Global Warming Solutions Act of 2006 (Assembly Bill 32), the State of California acknowledged the role of greenhouse gases (GHG) in global warming and took action to reduce GHG emission levels. AB 32 set a Statewide goal of reducing GHG emissions to 1990 levels by the year 2020. In doing so, it contemplated economic expansion and growth of population to 44 million people by 2020. It also called for the State's Air Resources Board (CARB) to prepare a Scoping Plan encompassing all major sectors of GHG emissions for achieving reductions consistent with AB 32's goals. The Scoping Plan, adopted in December 2008, creates an overarching framework for meeting the GHG reduction goal of returning to 1990 emissions levels by 2020.

GHG emissions analysis uses carbon dioxide equivalents (CO2e), measured in metric tons, to adjust for the different warming potential of a wide range of greenhouse gases, not just exclusively CO2. The State 2005 GHG emission inventory was 479 million metrics tons of CO2e. CARB projected that under business-as-usual conditions (no reduction effort) GHG emissions would grow to 596.4 million metric tons of CO2e by the year 2020. According to the Scoping Plan, reducing GHG emissions to 1990 levels requires cutting approximately 30 percent from the business-as-usual emission levels projected for 2020, or about 15 percent from 2010 levels. The target amount for the 2020 goal is an emission level of no more than 427 million metric tons of CO2e (the 1990 levels). On a per capita basis, this means reducing current annual emissions of 14 tons of CO2e for every person in California down to about 10 tons per person by 2020. The City of Fremont GHG emission inventory estimate for 2010 was 1.99 million metric tons with a service population of jobs and residents of 304,489.

Regulatory Framework
State and local regulations that pertain to the proposed project related to GHG emissions include:

- City of Fremont General Plan Sustainability and Conservation Chapters

- State Assembly Bill (AB) 32
- California Green Building Code (Mandatory)

Environmental Checklist
Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3, 8, 21, 22, 23
b.	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				X	1, 3, 8, 21, 22, 23

Discussion/Conclusion/Mitigation

a-b) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Because of the broad context and setting of the potential impacts of contributing to global climate change, the assessment of project-level emissions looks at whether a project's emissions would significantly affect the ability of the State to reach its AB 32 goals. This is identified within the City's General Plan Conservation Chapter and certified Environmental Impact Report (EIR) as the context for reviewing project effects and global climate changes. The General Plan EIR established analysis considering the projected increase in emissions from new growth through the year 2020. As shown in the table below, the project attributes of the proposed residential project are below the screening criteria established by the BAAQMD as a conservative estimate as to whether a project would exceed the 1,100 MT of CO2e/year threshold of significance for projects other than stationary sources.

Land Use	**Operational Criteria Pollutant Screening Size**	**Operational GHG Screening Size**	**Construction Related Screening Size**
Single-family	325 du (NOX)	56 du	114 du (ROG)
Proposed Project	20 Single-family du	20 Single-family du	20 Single-family du

Potential Impact: Less than Significant
Mitigation: None Required

VIII. HAZARDS AND HAZARDOUS MATERIALS –

This discussion is based in part on a Phase I Environmental Site Assessment (ESA), a draft Work Plan for on-site sampling and remediation, and an Accidental Release Risk Assessment (Risk Assessment). The draft Work Plan was submitted to the Alameda County Water District – Groundwater Resources Division for review on August 15, 2014. The draft Work Plan will be revised to the satisfaction of ACWD and any other required regulatory agencies and implemented as a condition of approval for the proposed project.

Environmental Setting

The proposed project site is approximately 10.3 acres in size of which approximately 4.5 acres is proposed for development. The existing house, built between 1949 and 1951, and associated structures and outbuildings have been used by the Dias family as a residence and farm. Prior to this use, the subject property may have been used as a residence and farm by the John D. F. Mathews family; however, this is not certain (Kostura Report, February 2013).

The proposed project site is adjacent to the Alameda County Water District (ACWD) ~~Mission San Jose~~ Water Treatment Plant No. 2 (~~MSJWTP~~ WTP2). The ~~MSJWTP~~ WTP2 was originally placed in service in 1974 and currently utilizes membrane ultra-filtration technology for treatment of surface water from the South Bay Aqueduct. The plant disinfection scenarios can vary, currently the facility uses free chlorine as a pre-oxidant, chloramine as a plant disinfectant, and ferric chloride or alum as a coagulant.[2]

Regulatory Framework

Hazardous waste generators and hazardous materials users in the City are required to comply with regulations enforced by several federal, state, and county agencies. The regulations are designed to reduce the risk associated with the human exposure to hazardous materials and minimize adverse environmental effects. State and federal construction worker health and safety regulations require protective measures during construction activities where workers may be exposed to asbestos, lead, and/or other hazardous materials.

The routine management of hazardous materials in California is administered under the Unified Program. The ~~Alameda County Environmental Health Department (ACEHD)~~ Fremont Fire Department acts as the Certified Unified Program Agency (CUPA), an administrative agency that coordinates and enforces numerous local, State, Federal hazardous materials management and environmental protection programs for hazardous material users ~~county-wide~~ city-wide, including:

- Hazardous Materials Business Plan Program
- Hazardous Waste Generator Program
- Underground Storage Tank Program
- California Accidental Release Program
- Tiered Permitting Program
- Aboveground Storage Tank Program

State and local regulations that pertain to the proposed project related to hazards and hazardous materials include:

- City of Fremont General Plan Land Use and Safety Chapters
- City of Fremont Fire Code
- Department of Toxic and Substances Control (DTSC) Hazardous Waste and Substances Site List

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous		X			1, 6, 7 H, I, J

[2] Alameda County Water District, Mission San Jose Water Treatment Plant. Retrieved September 16, 2014, from: http://www.acwd.org/index.aspx?nid=382

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
	materials?					
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X			1, 6, 7 H, I, J
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?		X			1, 3, H, I, J
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	1, 18, H, I, J
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 6, 7
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	N/A

Discussion/Conclusion/Mitigation

a-b) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

The project site was previously used for agricultural purposes for a period of at least 60 years beginning in the 1940's and continuing until recently, and perhaps even longer due to the age of a horse barn with the date "1911" engraved on its concrete foundation.

Potential Sources of On-Site Hazards

A Phase I/II Environmental Site Assessment (ESA) was conducted in June 2014 by ENVIRON. The purpose of the assessment was to identify Recognized Environmental Conditions (RECs), which are defined in the American Society for Testing and Materials Standard (ASTM) as: "The presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include de minimis conditions that generally do not present a threat to human health or the

environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis are not recognized environmental conditions."

The ESA identified the following RECs:

On-Site Waste Disposal. A small area in the northeast corner of the site was used historically to dispose of trash generated on the property. ENVIRON observed various metal cans, glass jars, and plastic bottles in an area approximately 10 feet by 15 feet. Facility personnel noted that a water heater may have been disposed in the dump area. One shallow soil sample was collected from this area; a slightly elevated concentration of petroleum hydrocarbons was detected in this sample. Additional excavation and sampling is warranted to determine the disposal area extent and whether chemicals were released to soil as a result of prior waste disposal activities.

Tractor Maintenance Area. ENVIRON observed evidence of soil staining in the area of the tractor shed used for tractor maintenance and fueling, primarily near the 25-gallon drum of diesel and the adjacent small containers of oil. The shed is open-air and covered; the floor is not paved. A soil sample collected from this area (sampling location M-3) had elevated concentrations of petroleum hydrocarbons and lead. As part of the Work Plan, waste oil and fuel containers in this area would be removed and disposed of offsite. Additional sampling would also be performed to determine the nature and extent of the elevated concentrations of petroleum hydrocarbons and lead.

Lead in Surface Soil. In addition to location M-3, lead was also detected at location, M-4, at a concentration slightly above environmental regulatory screening levels for residential land use. In addition, if soil were excavated from M-3 and M-4, because of the elevated lead concentrations, the soil would be classified as a California hazardous waste for offsite disposal. As part of the Work Plan, additional sampling and testing would be done in this area to determine the horizontal and vertical extent of the lead at this location. It is possible that the lead in shallow soil at these locations may be related to lead-based paint on nearby structures.

The ESA did not identify any significant data gaps during the course of this assessment and based on the information collected to date, no further investigation of the property is needed at this time. The ESA identified the following additional findings that are not considered RECs based on available information:

Historical Site Use for Agriculture Purposes. The site has been used as ranchland since 1911. Given this past use, it is possible that pesticides and other agricultural chemicals may have been applied to the property during this time. ENVIRON performed testing of surface soil for organochlorine pesticides and metals. Low levels of organochlorine pesticides were detected but at concentrations below environmental regulatory screening levels for residential land use. As discussed below in Section 7.1, the arsenic detections in soil are likely indicative of naturally-occurring background concentrations.

Based upon the ESA, a draft Work Plan was prepared and submitted to ACWD for review on August 15, 2014. Should ACWD determine that review of the work plan by the California Department of Toxic Substance Control (DTSC) is required, the Work Plan would also be submitted for review by DTSC. The proposed tasks in the work plan include the completion of the following:

1. Soil delineation sampling (i.e., soil coring & lab analysis) to determine limits of recently detected localized soil impacts to gauge subsequent remedial excavations,

2. Based on results of soil delineation sampling complete remedial excavation and proper disposal of impacted soils, including subsequent backfilling and engineered compaction, and
3. Remove an on-site domestic debris dump and conduct limited soils excavation and confirmation sampling at that location.

The Work Plan, which will be completed and implemented to the satisfaction of the ACWD, would prevent exposure to hazardous materials and ensure proper handling and disposal of hazardous material such that impacts to public health and safety would be less than significant.

Potential Impact Haz-1: Construction of the proposed project could result in impacts related to exposure to hazardous materials and handling and disposal of hazardous material. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: Implementing the following measures would reduce Impact Haz-1 to a less than significant level:

MM Haz-1: Prior to issuance of building and/or grading permits for site development, remediation work to remove known contaminants or Recognized Environmental Conditions (RECs) at the subject property shall be implemented to the satisfaction of the Alameda County Water District (ACWD), City of Fremont Fire Department, California Department of Toxic Substance Control (DTSC), or other appropriate agency having jurisdiction, depending on the location (e.g., depth) and the type of REC found and the jurisdictional purview of the agencies. Completion of the remediation work and procurement of an appropriate closure document or written statement that the remediation work has been satisfactorily completed and without further conditions or obligations shall be submitted to the satisfaction of the City of Fremont Community Development Department. Compliance with this mitigation may require the applicant or their agent to complete a Preliminary Endangerment Report, Voluntary Cleanup Agreement or other documentation as determined by the appropriate agency, and receive concurrence that the site's RECs have been resolved.

Potential Sources of Off-Site Hazards

The Alameda County Water District operates a water treatment plant adjacent to the project site. The water treatment plant is a California Accidental Release Prevention (CalARP) Program Level 2 Facility. The Offsite Consequences Analysis (OCA) prepared for the facility's Risk Management Plan (CalARP RMP) indicates that the toxic endpoint of aqueous ammonia stored and used at the facility site may extend into the subject property under both the worst case and alternate case scenarios. ACWD's CalARP RMP for the subject site has been approved by and is filed with the City of Fremont Fire Department.

In June 2012, an environmental consultant, ENVIRON, was retained by the applicant, Robson Homes, with oversight and peer review by the City to evaluate the potential release of aqueous ammonia (NH_3) from WTP2 and refine the analysis prepared by ACWD in June 2011. The analysis used a more precise, yet still conservative, regulatory model. ACWD's June 2011 assessment was based upon the USEPA RMP*Comp model and the estimated distance to toxic endpoint (TEP) was 0.1 miles, which is the minimum distance that RMP*Comp is able to calculate. ENVIRON used a dispersion model, the USEPA-recommended screening model AERSCREEN, that is capable of estimating concentrations at distances below 0.1 miles. According to the CalARP Guidance, a facility may use any commercially or publicly

available air dispersion modeling techniques, provided that they account for the specified modeling conditions and are recognized by industry as applicable as part of current practices. ENVIRON evaluated the potential worst-case and alternative release scenarios that were evaluated in the previous assessment, accounting for passive mitigation present at the WTP2 in the worst-case release and chemical-specific NH_3 evaporation rates in both scenarios. ENVIRON's worst-case and alternative release analyses indicated a distance to TEP of 246 feet (or 75 meters) and 328 feet (or100 meters), respectively, as compared to the 0.1 miles (161 meters) previously calculated by ACWD's RMP*Comp model for both worst-case and alternative release scenarios. The more specific analysis demonstrated the TEP would not pose a hazard to inhabitants of the project site. [Less than Significant]

Potential Impact: Less than Significant
Mitigation: None Required

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Mission San Jose High School is located across Mission Boulevard, approximately 1,200 feet to the northwest of the project site. As previously described, the implementation of the Work Plan (MM Haz-1.1) would prevent exposure to and ensure proper handling and disposal of hazardous material. Additionally, the proposed residential development would not involve the emission or handling of hazardous or acutely hazardous materials, substances, or waste.

Potential Impact Haz-2: Construction of the proposed project could result in impacts related to handling of hazardous material within one-quarter mile of an existing school. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: Implementing the following measures would reduce Impact Haz-2 to a less than significant level:

Mitigation: MM Haz-1 (described above)

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The project site is not listed on the Department of Toxic Substance Control's Hazardous Waste and Substances Site List (Cortese List). Thus, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

The project site is not located within an airport land use plan nor are there any public or private airports within City limits. Thus, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

f-g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The proposed project site is located in the Fremont Very High Fire Hazard Severity Zone. As a standard project requirement for projects of this type and in similar locations, the project shall meet the requirements of the California Building Code Chapters 7A & 15, City of Fremont Ordinances and the Fremont Municipal Code, including:

1. Provision of Class A roof coverings. The roof shall be fire stopped to preclude entry of flame or embers under roof covering.
2. An approved spark arrester is required for all chimneys.
3. Exterior Windows and exterior glazed door assemblies shall comply with one of the following: Be constructed of multi-pane glazing with a minimum of one tempered pane meeting the requirements of Section 72406 Safety Glazing or constructed of glass block units or have a fire resistance rating of not less than 20 minutes when tested according to NFPA 257 or be tested to meet the performance requirements of SFM Standard 12-7A-2.
4. A 30 foot wet-band (irrigated greenbelt) is required between the parcel and adjacent open space. See Fremont Municipal Code section 8-2199.23.7.

During construction, the project shall be required to adhere to the following standard project requirements, as a condition of approval:

1. The project is located in a local response area very high fire hazard severity zone. The following precautions shall be taken to minimize the potential for fire ignition and propagation.
2. Smoking shall be prohibited in areas where combustible vegetation is present. Construction areas shall have signs indicating no smoking.
3. Combustible debris shall be promptly removed from the construction site. Temporary combustible debris piles shall not impede emergency vehicle access routes and/or be within 10 feet of combustible buildings or structures.
4. Materials susceptible to spontaneous ignition such as oily rags shall be removed from the site and discarded in a metal waste container.
5. Cutting or welding operations shall be done in accordance with the California Fire Code Chapter 26.
6. Vehicle and equipment refueling will not occur upon or around combustible vegetation.
7. Emergency vehicle access routes along the creek path, designated construction routes, staging areas and construction areas shall be unobstructed and have a minimum 16’ clear width.
8. Access gates with locking devise shall be equipped with a Knox Padlock for access by emergency responders.
9. Personnel operating at the construction site shall have a means of communicating and reporting a fire or medical emergency. This requirement may be met by use of a cellular telephone and by dialing 911. Cellular telephone calls to 911 now report to the closest public service answering point: Fremont Police Dispatch for the project site.
10. The applicant shall provide fire hydrant(s) with the required fire flow on site prior to construction or storage of combustible materials. Fire hydrant jumper lines must be at

least 6 inches in diameter. This must be completed and inspected before any construction or material storage will be allowed.

11. The applicant shall provide a 20 ft. wide all weather-paving surface (paving) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed.

The proposed project would not interfere with emergency response or evacuation plans and would be designed to meet all applicable federal, state and local fire safety codes. Emergency vehicle access would be provided throughout the subdivision via a new public street. With the implementation of the aforementioned standard project requirements, the project would avoid impacts related to fire safety and emergency response.

Potential Impact: No Impact
Mitigation: None Required

IX. HYDROLOGY AND WATER QUALITY –

Environmental Setting
The proposed project site is approximately 10.3 acres in size of which approximately 4.5 acres is proposed for development. The existing house, built between 1949 and 1951, and associated structures and outbuildings have been used by the Dias family as a residence and farm. Prior to this use, the subject property may have been used as a residence and farm by the John D. F. Mathews family; however, this is not certain (Kostura report, February 2013).

Currently, there are no stormwater management facilities on the site and it is assumed that stormwater runoff is mostly infiltrated on the site and to the City's storm sewer system via the gutter adjacent to the site along Mission Boulevard.

Regulatory Framework
Federal, state and local regulations that pertain to the proposed project related to hydrology and water quality include:

- City of Fremont General Plan Conservation Chapter (Water Quality)
- California Regional Water Quality Control Board, San Francisco Bay Region, Alameda Countywide National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit, Order R2-2003-0021, National Pollution Discharge Elimination System Permit No. CAS00229831(NPDES C.3)
- Federal Clean Water Act 1987

Environmental Checklist
Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Violate any water quality standards or waste discharge requirements?				X	1, 6, 8, 14, 15, 16
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there				X	1, 6, 8, 14,

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
	would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?					15, 16
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X	1, 6, 8, 14, 15, 16
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X	1, 6, 8, 14, 15, 16
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X	1, 6, 8, 14, 15, 16
f.	Otherwise substantially degrade water quality?				X	1, 6, 8, 14, 15, 16
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	N/A
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X	1, 6, 17
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	1, 6, 8, 17
j.	Inundation by seiche, tsunami, or mudflow?				X	1, 6, 8, 17

Discussion/Conclusion/Mitigation

a-c, f) Would the project violate any water quality standards or waste discharge requirements? Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Would the project otherwise substantially degrade water quality?

The proposed development would not violate any water quality standards, deplete groundwater supplies, substantially alter the existing drainage pattern nor substantially degrade water quality. The project would be required to connect to the existing public sanitary sewer system that serves the area, and would obtain its water from existing piped public water mains serving the site. The proposed project conforms to the current General Plan land use designation for the site and, as

such, ACWD is capable of meeting the project's water demands without significantly impacting its supplies or its distribution system.

ACWD has determined that there is an existing water well on the subject site. In order to protect the groundwater basin, the well must either be in compliance with ACWD Ordinance No. 2010-01, brought into compliance, or properly destroyed prior to development. As a part of the proposed project, the applicant intends to destroy the well prior to the development of the rest of the project, and in compliance with ACWD requirements for well demolition. A well investigation request application will be submitted to ACWD upon approval of the project.

The proposed project would create ±82,000 square feet of impervious surface area. With the exception of the existing approximately 2,200-square-foot house and outbuildings, the proposed project site includes no existing impervious surfaces or paving. Because the project would create in excess of 10,000 square feet of impervious surface area, it would be subject to the NPDES C.3 requirements of the Municipal Regional Stormwater Permit, which regulate the treatment of stormwater runoff on the site. As such, the project would be required to incorporate low impact development (LID) techniques to treat stormwater runoff from all on-site impervious surfaces in a bio-retention area before it is discharged into the public storm drain system.

For the purposes of stormwater treatment, the site is divided into two areas: Area 1 and Area 2. Area 1 is an approximately 45,000-square-foot area in the northwestern corner of the site, adjacent to Mission Boulevard. The stormwater runoff from the approximately 25,000-square-feet of impervious surface in Area 1 would be treated in a bio-retention basin to be constructed to the south of the new public street that will serve the development. Area 2 is an approximately 137,000-square-foot area, comprising the remainder of the project area. The stormwater runoff from the approximately 57,000 square feet of impervious surface in Area 2 would be treated in a bio-retention basin to be constructed to the east of the existing single family house. The project would be designed in compliance with C.3 requirements and, as such, no water quality impacts would result.

Potential Impact: No Impact
Mitigation: None Required

d-e) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The proposed project would not substantially alter existing drainage patterns or result in the alteration of the course of any water body. Drainage from the project would be directed into two bio-retention basins and landscape-based treatment areas located throughout the development (see response to questions IX, a-c and f, above), and ultimately discharge into the public storm drain system via a new piped system that would be constructed on the site. Per Municipal Regional Stormwater Permit requirements, the project would be required to implement hydromodification to temporarily store and meter its runoff using the Bay Area Hydrology Model (BAHM) to size its storage capacity in order to accommodate 10 percent of a two-year storm event up to a 10-year storm event. Implementation of hydromodification using BAHM in accordance with the requirements of the Municipal Regional Stormwater Permit would ensure that the project would

not exceed the capacity of the storm drainage system serving the area. Therefore, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

g-j) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? Inundation by seiche, tsunami, or mudflow?

The project site is located within Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), Panel No. 06001C0466G, effective August 3, 2009. According to this FIRM, the project site is located within an Unshaded X zone and is, therefore, outside of the 100-year flood zone. The project site is also not situated within a Special Flood Hazard Area or an area that would be subject to inundation as a result of failure of a dam, levee, or reservoir. As such, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

X. LAND USE AND PLANNING

Environmental Setting

The proposed project includes a Rezoning from Open Space to a residential Preliminary and Precise Planned District (P-2014-00195) to facilitate preservation of an existing single-story house, demolition of existing outbuildings, and development of 20 detached, single-family homes on 4.5 net acres of an approximately 10.3-acre site within the Hill Area (Central) and Mission San Jose Community Plan Areas of the City of Fremont. The proposed rezoning would conform to the General Plan Land Use designations of Low Density Residential (2.3 – 8.7 dwelling units per acre) below the Toe of the Hill (described below) and Open Space – Hill Face above the Toe of the Hill for the subject site, as the area proposed for residential development is located in the portion of the property that has a General Plan Land Use designation of Low Density Residential (2.3 – 8.7 dwelling units per acre).

The project site at 42232 Mission Boulevard (APN: 513-0450-006-02) is located on the lower portion of the hillside area northeast of Mission Boulevard and just over 1,000 feet to the northwest of Interstate 680 (I-680) (see Figure 1: Vicinity Map). As described in the project description at the beginning of this Initial Study, development of the property is limited by two voter-approved initiatives, including Measure T, which places restrictions on development above the Toe of the Hill (TOH). The General Plan Land Use designations for the site are Residential - Low, 2.3 - 8.7 DU/AC below the TOH and Open Space - Hill Face above the TOH. The proposed 20-unit (21-unit, including the preservation of an existing house) residential development would occur below the Toe of the hill.

The proposed project site abuts an approximately 11.85-acre lot located to the northwest, which is developed with two single-family houses (one at the base of the hillside and one nearer the top) and several outbuildings, that are located in the Residential Single Family – Hillside Combining District R-1-8(H-I) and the Open Space OS Zoning District (see Figure 2: Site Aerial). To the northeast of the proposed site is an approximately 116.5-acrea lot with a single-family house that is located in the Open

Space O-S Zoning District. To the southeast of the proposed site are two lots, totaling approximately 7 acres, which include the northwestern half of the ACWD ~~Mission San Jose~~ Water Treatment Plant No.2, and are located in the Public Facilities – Hillside Combining District P-F(H-I) Zoning District. To the west of the project site is Mission Boulevard (State Highway Route 238) and, across Mission Boulevard, are single-family houses, which are located in the Residential Single Family (R-1-8) Zoning District.

Regulatory Framework

State and local regulations that pertain to the proposed project related to land use and planning include:

- City of Fremont General Plan Land Use and Community Character Chapters
- Habitat Conservation Programs, California Department of Fish and Wildlife

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Physically divide an established community?				X	1, 2, 3, 8
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	1, 2, 3, 8
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	1, 2, 3, 8

Discussion/Conclusion/Mitigation

a-c) Would the project physically divide an established community? Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

The proposed project would not physically divide an established community in that it would be located in an area of the City near existing residential developments, along a major boulevard that also serves as a state highway. Therefore, it would not introduce an incompatible land use to the area.

As described in the project description at the beginning of this Initial Study, development of the property is limited by two voter-approved initiatives, which are implemented by the City's zoning ordinance. Fremont Municipal Code (FMC) Chapter 18.130.070 establishes key provisions to which the proposed project must and will comply.

> 18.130.070 Additional procedures and standards for development of parcels crossed by the toe of the hill1 line where a subdivision of land is proposed.
>
> (a) For parcels less than 20 acres in size, all new lots located below the toe of the hill1 line shall be developed in accordance with the zoning, subdivision and

> other applicable city standards. If any new lots contain area located above the toe of the hill1 line, that area shall not count towards the minimum parcel size required by the zoning district below the toe of the hill1 line. That portion of a new lot, if any, located above the toe of the hill1 line shall be placed in an open space easement. The open space easement shall preclude development of all structures other than rural-appearing, open wire-style perimeter fencing. It is preferable that the area above the toe of the hill1 line be associated with as few new lots as determined feasible.
>
> (b) If after subdividing the area below the toe of the hill1 line into conforming lots there remains an area equal to or greater than 20 acres (partially or fully above the toe of the hill1 line), an additional lot may be permitted for each 20-plus acre parcel proposed in accordance with the provisions of the Hill Area Initiative of 2002. (Ord. 21-2005 § 9(Exh. A-18), 7-26-05. 1990 Code § 8-21822.3.)

Approximately 4.5 net acres of the 10.3-acre lot would be subdivided into 21 residential lots (including one lot for the existing single-family house) ranging in size from approximately 4,700 to 34,000 square feet. The remaining approximately 5.8 acres of the 10.3-acre lot, all of which is located above the TOH, would be placed in an open space easement that would preclude development of all structures other than rural-appearing, open wire-style perimeter fencing. The portion of this area not included in the residential lots would be deeded to the northern, adjacent property owner (42092 Mission Boulevard; APN: 513 045000512), or consolidated into lot 10 (see Figure 4: Conceptual Site Plan). As the property owned by the proposed grantee is currently approximately 11.85 acres in size, the addition of acreage from the proposed project site would increase the size of that lot, which is consistent with the intent of the voter initiative to prevent creation of new lots smaller than 20 acres above the TOH.

The General Plan land use designation for the developable 4.5 acres of the site below the TOH is Low Density Residential, 2.3 - 8.7 units per net acre. This land use designation is intended to accommodate single-family residential neighborhoods characterized by subdivisions of detached homes, usually on lots of 5,000 to 10,000 square feet. Low Density areas may also include larger-lot subdivisions in the 10,000 to 20,000 square foot range. The proposed project, including 20 new single-family homes and the preservation of one existing single-family home, would have a density of approximately 6.3 dwelling units per net acre (the proposed public street is excepted from net acreage, for the purpose of calculating net density). The proposed project would involve a Planned District rezoning to accommodate reduced setbacks and a range of lot sizes that would not otherwise be allowed in the comparable R-1 Single-Family Residence District; however, the proposed project would be in full conformance with the General Plan land use designation of Low Density Residential, 2.3 – 8.7 units per net acre for the area of the subject property where the proposed residential development would occur. As such, the proposed project is in conformance with the General Plan and would not conflict with any applicable land use plans or policies.

The project would not conflict with any General Plan policies adopted for the purpose of avoiding or mitigating an environmental effect. Furthermore, there are no habitat conservation or natural community conservation plans adopted for the site. Therefore, no impacts on land use planning would result from the project, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

XI. MINERAL RESOURCES

Environmental Setting

There are six sectors within the City of Fremont designated by the State Mineral and Geology Board as areas with mineral resources. Several are in the East Hills area adjacent to public park lands and regional preserves, while one is west of I-880 in a designated industrial area adjacent to the San Francisco Bay National Wildlife Refuge. Others include the Niles Cone, the aquifer complex that provides much of the area's drinking water, and the former Dumbarton Quarry on the west side of Fremont, covering approximately 91 acres adjacent to Coyote Hills Regional Park on the north and the Dumbarton Bridge on the south. The project site is not located within or near any of the sectors discussed above.

Regulatory Framework

State and local regulations that pertain to the proposed project related to mineral resources include:

- City of Fremont General Plan Conservation Chapter
- Surface Mining and Reclamation Act (SMARA) 1975, California Department of Conservation

Environmental Checklist

Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	8
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	8

Discussion/Conclusion/Mitigation

a-b) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

According to local and state mineral resources maps, there are no known mineral resources of importance to the state or region on the site or within the surrounding area. Therefore, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

XII. NOISE

The following discussion is based in part on an *Environmental Noise Feasibility Study*, dated October 1, 2014, by Charles M. Salter Associates, Inc.

Environmental Setting

The project site is located along Mission Boulevard and near the I-680 corridor. The site is bounded by a water treatment facility to the southeast and residential uses to the west and south and open space to the north. The major noise sources affecting the project site are vehicular traffic along Mission Boulevard and I-680. Noise from the water treatment facility was not found to be a major contributor during the two-week monitoring done for the *Environmental Noise Feasibility Study.*

Regulatory Framework

State and local regulations that pertain to the proposed project related to noise include:

- City of Fremont General Plan Safety Chapter (Noise and Vibration)
- City of Fremont Municipal Code
- California Building Code (2013)

In accordance with Fremont General Plan Policy 10-8.1, the maximum acceptable outdoor noise level for single-family and multi-family residential uses is an Ldn of 60 dB(A); however, the maximum conditionally acceptable outdoor noise level is an Ldn of 75dB(A).

Environmental Checklist

Would the project result in:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X			1, 3, 9, F
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?		X			1, 3, 9, F
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?		X			1, 3, 9, F
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X			1, 3, 9, F
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A

Discussion/Conclusion/Mitigation

a-c) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? Exposure of persons to a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Noise Analysis: To quantify the existing noise environment at the project site, noise measurements were conducted at the site between September 11 and September 25, 2013.

(Testing locations and results are provided in *Environmental Noise Feasibility Study* Tables 2 and 3).

Exterior Noise Levels

The City General Plan states that exterior noise levels should not exceed a day-night average sound level (Ldn) of 60 decibels (dB) at backyards in single-family housing projects; however, where an outdoor Ldn of 60 dB(A) or lower cannot be achieved after application of feasible mitigations, an Ldn of 65 dB(A) may be permitted at the discretion of the City Council. To reduce exterior noise levels generated from uses on Mission Boulevard to an Ldn of 60 dB(A), an eight foot high sound-rated barrier (with respect to the elevation of the backyard grade height) would be required to shield the backyards adjacent to Mission Boulevard. A six foot high sound-rated barrier would also be required to shield any portion of the backyard of Lot 20 directly exposed to Mission Boulevard (see Figure 4: Conceptual Site Plan).

Interior Noise Levels

To allow the project to meet the City's interior noise requirement of an Ldn not exceeding 45 dB(A) in habitable rooms, sound rated assemblies will be required at exterior building facades. In addition, the City General Plan EIR states typical maximum instantaneous noise levels should not exceed 50 dBA in bedrooms during the nighttime and 55 dBA in other habitable rooms as well as bedrooms during the daytime. To ensure the project meets that criteria, Sound Transmission Class (STC) 30 windows are required throughout the project. For the north, west, and south elevations of the proposed houses on Lots 1, 2, and 3, STC 35 windows are required on the first floors, STC 40 windows are required for second floor bedroom windows of those same elevations, and STC 35 windows are required for living rooms on those same elevations. For the proposed house on Lot 20, STC 32 windows are required for the windows on the western elevation (facing Mission Boulevard). Additionally, because windows must be closed to achieve the interior noise criterion, an alternate means of providing outside air (e.g., HVAC, Z-ducts) to habitable spaces is required for all residences on the project site.

Potential Impact Noise-1: Future residents of the project may be exposed to noise levels in excess of standards established in the local general plan. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: The following mitigation measures would reduce impacts from noise on the occupants of the dwelling units to a less-than-significant level:

MM Noise-1.1a (Sound Walls): To reduce exterior noise levels generated from uses on Mission Boulevard to an Ldn of 60 dB(A), an eight foot high sound-rated barrier (with respect to the elevation of the backyard grade height) will be installed to shield the backyards adjacent to Mission Boulevard. A six foot high sound-rated barrier will be installed to shield any portion of the backyard of Lot 20 that is directly exposed to Mission Boulevard.

MM Noise-1.1b (Windows and Exterior Doors):

To reduce interior noise levels to an Ldn of 45 dB(A) in habitable rooms, the windows and exterior doors for habitable rooms on all new buildings shall be Sound Transmission Class (STC) 30 or higher. For the west, south, and east elevations of the proposed houses on Lots 1, 2, and 3, STC 35 assemblies shall be used for bedrooms on the first floors, STC 32

assemblies shall be used for living rooms on the first floors, STC 40 assemblies shall be used for bedrooms on the second floors (and above), and STC 35 assemblies shall be used for living rooms on the second floors (and above). For the west, south, and east elevations of the proposed house on Lot 20, STC 32 assemblies shall be used for bedrooms and STC 28 assemblies shall be used for living rooms. See also Figure 2 of the *Environmental Noise Feasibility Study* for location of required STC assemblies.

MM Noise-1.1c (Ventilation): To ensure windows of the new buildings may remain closed to reduce interior noise levels of habitable spaces to an Ldn of 45 dB(A), an alternate means of providing outside air (e.g., HVAC, Z-ducts) shall be installed on all new buildings.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Development of the project would result in a temporary increase in noise levels during daytime hours, particularly from diesel-powered earth-moving equipment and other heavy construction machinery. All construction-related activities would be required to comply with the noise standards contained in the City of Fremont's Municipal Code for projects adjacent to/within residential neighborhoods, which would limit such activities to certain times of the day and week to reduce noise impacts on adjacent properties. These restrictions are:

Monday-Friday, 7 a.m. to 7 p.m.
Saturday and Holidays, 9 a.m. to 6 p.m.
Sunday, no construction activity allowed

The above construction hours would ensure that potentially loud construction activities would occur during daylight hours when other short-term noise impacts from such sources as diesel-powered vehicles, leaf blowers, school playgrounds and other nearby construction work would typically occur.

Potential Impact: Less than Significant
Mitigation: None Required

e-f) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

There are no public or private airports located in the City or vicinity. No impact would result.

Potential Impact: No Impact
Mitigation: None Required

XIII. POPULATION AND HOUSING

Environmental Setting

The population of the City of Fremont was estimated to be approximately 219,926 in January 2013.[3] The total number of housing units in Fremont was approximately 75,186 as of January 2014, approximately 72,154 of which were occupied; the average household size of owner-occupied units was 3.08. The Association of Bay Area Governments (ABAG) estimates that approximately 90,010 jobs were provided within the City of Fremont in 2010, and approximately 120,000 jobs would be provided by the year 2040. ABAG also estimates that there will be approximately 91,620 households within the City by 2040.[4]

The City's General Plan, adopted in 2011, establishes goals, policies, and actions to guide development and ensure the City has an adequate supply of housing.

Regulatory Framework

Local regulations that pertain to the proposed project related to population and housing include:

- City of Fremont General Plan Land Use and Housing Chapters (referencing City Housing Element, July 2009)

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	1, 2, 4
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4

Discussion/Conclusion/Mitigation

a-c) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The proposed project is consistent with the residential density prescribed for the property by the City's General Plan. As such, it will not result in unanticipated growth in an area of the City for which residential growth has not already been planned. In addition, the project site is already used for residential purposes and is adjacent to existing residential uses to the northwest.

[3] State of California, Department of Finance. E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2012 and 2013. January 2014. Available at: http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php

[4] ABAG, MTC. *Final Forecast of Jobs, Population, and Housing: Plan Bay Area.* July 2013. Available at: http://www.onebayarea.org/plan-bay-area/final-plan-bay-area.html

The project would require the extension of new infrastructure, including a proposed public road and the extension of a Pressure Zone 3 water main from within Mission Boulevard along the project frontage and into the project site. However, the proposed project site and the adjacent residential site to the northwest, which has a General Plan land use designation of Residential - Low, 2.3 - 8.7 DU/AC, are already envisioned in the General Plan for single-family residential development. As such the proposed project would not induce substantial population growth in the area, as that growth is already envisioned in the General Plan.

Construction of the proposed subdivision would require the demolition of several outbuildings and structures, but would preserve the existing single-family house and add 20 new single-family houses to the City's housing stock; therefore, the project would result in a net increase of 20 new dwelling units. As such, the project would not result in the displacement of a large population or require the construction of replacement housing elsewhere.

Potential Impact: No Impact
Mitigation: None Required

XIV. PUBLIC SERVICES

Environmental Setting

Fire protection services for the project site are provided by the Fremont Fire Department (FFD) and Police protection services for the project site are provided by the Fremont Police Department (FPD). The closest fire stations to the project site are Fire Station 4, located approximately 1.8 miles south of the project site, and Fire Station 9, located approximately 2.5 miles northwest of the project site. All City police functions are located in one police station, located at 2000 Stevenson Boulevard.

The project site is located in the Fremont Unified School District (FUSD), which operates one pre-kindergarten campus, 28 elementary schools, five junior high schools, five high schools, and one continuation school. Nearby schools include Chadbourne Elementary School, Hopkins Junior High School, and Mission San José High School. Ohlone College, a two-year community college, is operated by a joint Fremont-Newark Community College District and is located near the project site as well.

The City of Fremont maintains approximately 1,148 acres of parkland, spread over 53 parks, which provides recreational facilities to the community. Existing parks located nearby the project site include Mission San José Park, located approximately 0.65 miles northwest of the project site, and Mission San José Bicentennial Park, located approximately 0.6 miles southeast of the project site.

Regulatory Framework

Local regulations that pertain to the proposed project related to public services include:

- City of Fremont General Plan Public Facilities and Safety Chapters
- City of Fremont Municipal Code

Environmental Checklist

Would the project?

ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the					

ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?			X		1, 10
Police protection?			X		1, 10
Schools?			X		1, 10
Parks?			X		1, 10
Other public facilities?			X		1, 10

Discussion/Conclusion/Mitigation

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire, police, schools, parks or other public facilities?

On September 3, 1991, the City Council passed resolutions implementing the levying of Development Impact Fees for all new development within the City of Fremont. These fees are required of any new development for which a building permit is issued on or after December 1, 1991. The concept of the impact fee program is to fund and sustain improvements that are needed as a result of new development as stated in the General Plan and other policy documents within the fee program. Development Impact Fees fall into the following categories: Traffic Impact Fees, Park Dedication and Park Facilities In-Lieu Fees, Capital Facilities Fees, and Fire Service Fees. Similarly, all new residential developments are required to pay School District fees to offset any impacts they might have on existing and/or planned public educational facilities. Payment of the required Development Impact and School District fees by the applicant prior to the issuance of building permits for the proposed project would result in the project having no significant impact on public services, schools, or other public facilities.

Potential Impact: Less than Significant
Mitigation: None Required

XV. RECREATION

Environmental Setting

The City of Fremont maintains approximately 1,148 acres of parkland, spread over 53 parks, which provides recreational facilities to the community. In addition, residents and community members also have access to parks and trail systems maintained by other agencies, including: the East Bay Regional Parks, the Don Edwards San Francisco Bay National Wildlife Refuge, the San Francisco Bay Trail, and other recreational trails. The City also operates other recreational facilities including five community centers, various sport facilities, a water park, and an art gallery.

Existing parks located nearby the project site include Mission San José Park, located approximately 0.65 miles northwest of the project site, and Mission San José Bicentennial Park, located approximately 0.6 miles southeast of the project site.

Regulatory Framework

Local regulations that pertain to the proposed project related to recreation include:

- City of Fremont General Plan Parks and Recreation Chapter

Environmental Checklist

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		1, 2, 3, 12
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X		1, A

Discussion/Conclusion/Mitigation

a-b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Construction of the proposed residential development would result in a slight increase in demand for local and regional park and recreation facilities from the project's residents; however, payment of the required in-lieu park dedication and park facility fees for new residential development as described in Section XIV - Public Services, above, would offset the increased demand in accordance with applicable City ordinances and reduce the impacts to such facilities to a less-than-significant level.

Potential Impact: Less than Significant
Mitigation: None Required

XVI. TRANSPORTATION/TRAFFIC

Environmental Setting

The project site is located on Mission Boulevard between the intersections of Mission and Palm Avenue (signalized) and Mission and Via San Dimas (non-signalized) and is approximately 1,050 feet to the northwest of the intersection of Mission and I-680 (signalized). The posted speed limit on this section of Mission Boulevard is 40 mph and the Average Daily Total Volume (ADTV) of vehicle traffic is 29,476 vehicles.

The Fremont General Plan identifies within its Mobility Chapter that Level of Service (LOS) for signalized intersections of LOS D is the transportation operations threshold of significance for traffic impacts. Level of Service D represents a moderate amount of vehicle delay during the peak hour of intersection operations. For intersections operating at LOS E or F, an average delay increase of 4 seconds or more due to project traffic would be considered a significant impact. The General Plan EIR is a program-level EIR that includes analysis of potential transportation impacts related to the land use designations, policies, and goals provided in the General Plan. The cumulative analysis in the General

Plan EIR assumed the project site would be built out with the density and uses allowed in the Low Density Residential (2.3 – 8.7 dwelling units per acre) district. The proposed single-family residential project at a density of 6.3 dwelling units per net acre conforms to the General Plan land use designation of Low Density Residential (2.3 – 8.7 dwelling units per acre) for the project site.

Regulatory Framework

Local regulations that pertain to the proposed project related to transportation/traffic include:

- City of Fremont General Plan Mobility Chapter

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X	1, 3, 7
b.	Conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X		1, 3, 7
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	1, 3, 7
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	1, 3, 7
e.	Result in inadequate emergency access?				X	1, 6, 7
f.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	1, 3, 7

Discussion/Conclusion/Mitigation

a-b) Would the project exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? Would the project conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Access to and from the project site will be via right turn-in and right-turn out movements from Mission Boulevard to the project's new public street (Street C, Figure 4). Traffic entering the site from Mission Boulevard would travel on the new public street approximately 150 feet before encountering the first driveway of the proposed project, such that cars backing out of driveways of homes within the project would create no vehicle queuing of vehicles entering from Mission

Boulevard. The project site has an existing driveway, which will remain and continue to serve the existing single family house (Dias House). A new public street with sidewalks would be built to serve the 20 new single-family houses to be constructed with this project. The new public street is necessary to ensure efficient vehicle circulation to and from the project site.

The segment of Mission Boulevard in front of the project site currently carries an average daily traffic volume of 29,476 vehicles, and an average PM peak hour volume of 20 vehicles. PM peak hour traffic generation is one of the primary factors in determining if significant traffic impacts would occur as a result of a proposed project, as this is typically the time when most roadways are at their busiest and when emissions levels are highest.

The proposed project would contribute 190 net new weekday trips, 15 AM peak hour trips, and 20 PM peak hour trips to the local roadway network.

I-680 and Mission Boulevard Intersections (signalized)
The two southerly traffic signals of Interstate 680/Mission Boulevard southbound on/off-ramps and Interstate 680/Mission Boulevard northbound on/off-ramps currently operate at LOS B or better during the AM peak hour and LOS C or better during the PM peak hour. Under 2035 General Plan project conditions (with the addition of project-generated trips). The General Plan EIR indicates these two signalized intersections would operate at LOS D or better during the AM and PM peak hours, respectively.

Palm Avenue and Mission Boulevard Intersection (signalized)
No LOS analysis data is available for this intersection, as it is a residential collector and not an intersection of two arterials for which the City would typically have LOS data. Per consultation with City Transportation Staff, the proposed project would generate less than 100 trips and, therefore, a traffic study of the Palm Avenue and Mission Boulevard LOS is not required, as explained below.

It is the City's practice to conduct a traffic study if the net peak hour project trip increase exceeds 100 new peak hour trips, which is consistent with Alameda County Transportation Commission requirements for analyzing project impacts. City Transportation Staff estimates the proposed project will generate 190 vehicle weekday trips, 15 AM peak hour trips and 20 PM peak hour trips. As the proposed project development peak hour trips are estimated below 100 new peak hour trips, a traffic impact analysis was not conducted. The project would not result in an increase in the number of cumulative trips previously analyzed in the City's General Plan EIR.

The Alameda County Transportation Commission (ACTC) requires the evaluation and assessment of regional roadways within the study area that are designated as Congestion Management Program (CMP) and Metropolitan Transportation System (MTS) facilities. The segments of I-680 in proximity to the project site are CMP roadway system facilities identified for analysis within the study area. ACTC Land Use Analysis Program Transportation Impact Analysis Requirements state that the ACTC will review land use projects that will cause a net increase of 100 or more p.m. peak-hour trips. Net increase is determined with respect to existing uses at the project site (if the project entails a General Plan Amendment). The proposed project does not entail a General Plan Amendment.

The proposed project is consistent with new residential development anticipated for this site in the 2011 General Plan. The General Plan EIR analyzed potential traffic impacts resulting from new development and did not identify potentially significant impacts in the vicinity of the site. Additionally, the General Plan promotes design and Transportation Demand Management (TDM)

policies to encourage vehicle trip reduction to lessen impacts on the transportation system. These include facilitating pedestrian connectivity (3-2.3C), and Park and Ride facilities (3-2.9B). The proposed project represents a less than significant impact to the local roadway network and would not conflict with an applicable congestion management program. [Less Than Significant Impact]

Potential Impact: Less than Significant
Mitigation: None Required

c-d) Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The proposed project would not have an impact on air traffic patterns as there are no airports in Fremont. The design of the proposed project, including driveway improvements, would be consistent with City development standards. Vehicular access to the project site would be provided via a new public street that intersects with Mission Boulevard and would be designed to City standards for traffic safety and accessibility purposes. Thus, no impacts would result.

Potential Impact: No Impact
Mitigation: None Required

e-f) Would the project result in inadequate emergency access? Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Emergency vehicle access would be provided throughout the entire project over the proposed public street. No sharp curves or dangerous intersections would be created by the project, the new public street would be designed in accordance with the City's standard details. Furthermore, the proposal does not feature any other unusual design elements that could pose a substantial safety hazard to vehicular or bicycle traffic or pedestrians. The new public street includes standard sidewalks on both sides of the street. The project would also not conflict with any plans, policies or programs supporting alternative transportation in that it would not obstruct or otherwise impact any transit stops or bicycle lanes.

Potential Impact: No Impact
Mitigation: None Required

XVII. UTILITIES AND SERVICE SYSTEMS –

Environmental Setting

Water service to the project site would be provided by the Alameda County Water District (ACWD). Wastewater from the project site would be treated at the Alvarado Wastewater Treatment Plant (AWTP), which is operated by the Union Sanitary District (USD). The Alameda County Flood Control and Water Conservation District (ACFC) and the City of Fremont share responsibility for storm drainage within the City. The project site is located in Zone 6 of the ACFC watershed management zones. Water from creeks located in Zone 6 flows through a series of pipelines and channels that discharge into either Coyote Creek or Mowry Slough before ultimately continuing onto the San Francisco Bay.

Solid waste services in the City of Fremont are provided by Allied Waste Services (AWS) of Alameda County. AWS provides curbside pick-up of recyclables, organics, and garbage, and transports materials collected to the Fremont Recycling and Transfer Station, located at 41149 Boyce Road, for processing. The majority of the garbage is subsequently transferred to the Altamont Landfill, located approximately 32 miles northeast of the project site, for disposal; some garbage is also transferred to Newby Island Sanitary Landfill in San José for commercial disposal. The Altamont Landfill serves many municipalities in the Bay Area and is anticipated to have disposal capacity through the year 2045.

Regulatory Framework

Local regulations that pertain to the proposed project related to utilities and service systems include:

- City of Fremont General Plan Public Facilities Chapter
- City of Fremont Municipal Code

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		10, agency notice
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10, agency notice
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10, agency notice
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		10, agency notice
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		10, agency notice
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		10, 24
g.	Comply with federal, state, and local statutes and regulations related to solid waste?			X		10, 24

Discussion/Conclusion/Mitigation

a-g) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Would the project result in a determination by the wastewater treatment provider which serves or may serve

the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Would the project comply with federal, state, and local statutes and regulations related to solid waste?

The proposed development would not generate a significant increase in wastewater or stormwater runoff levels that could exceed the capacity of the sewer and storm drain lines serving the project site. Stormwater retention areas would be constructed to the northeast of the existing single-family house and to the south of the new public street as it enters the site from Mission Boulevard. Wastewater and other utilities would be connected to existing facilities adjoining Mission Boulevard. As a part of the project, a water main from Alameda County Water District (ACWD) Pressure Zone 3 would be extended from within Mission Boulevard along the project frontage and into the project site to serve the proposed development.

Potential Impacts to Wastewater Treatment

Per the General Plan Final Environmental Impact Report (GP EIR), the Alvarado Wastewater Treatment Plant has capacity to accommodate development anticipated under the General Plan. As the project would be consistent with the General Plan land use designation of Low Density Residential (2.3 – 8.7 DU/AC) for the developable area of the subject site, the project would have a less than significant impact on wastewater treatment and would not require the construction or expansion of existing facilities. [Less Than Significant Impact]

Potential Impacts to Storm Drainage

The proposed project would create ±82,000 square feet of impervious surface area. With the exception of the existing approximately 2,200-square-foot house and outbuildings, the proposed project site includes no existing impervious surfaces or paving. Because the project would create in excess of 10,000 square feet of impervious surface area, it would be subject to the NPDES C.3 requirements of the Municipal Regional Stormwater Permit, which regulate the treatment of stormwater runoff on the site. As such, the project would be required to incorporate low impact development (LID) techniques to treat stormwater runoff from all on-site impervious surfaces in bio-retention area before it is discharged into the public storm drain system.

For the purposes of stormwater treatment, the site is divided into two areas: Area 1 and Area 2. Area 1 is an approximately 45,000-square-foot area in the northwestern corner of the site, adjacent to Mission Boulevard. The stormwater runoff from the approximately 25,000-square-feet of impervious surface in Area 1 would be treated in a bio-retention basin to be constructed to the south of the new public street that will serve the development. Area 2 is an approximately 137,000-square-foot area, comprising the remainder of the project area. The stormwater runoff from the approximately 57,000 square feet of impervious surface in Area 2 would be treated in a bio-retention basin to be constructed to the east of the existing single family house. The project would be designed in compliance with C.3 requirements and, as such, no water quality impacts would result. [Less Than Significant Impact]

Potential Impacts to Water Supply

The 2011 General Plan Update FEIR concluded that new development anticipated under the General Plan would have a less than significant impact on water supplies. The proposed development is anticipated under the approved General Plan FEIR and would be consistent with the Low Density Residential General Plan land use designation for the subject site. [Less Than Significant Impact]

Potential Impacts to Landfills and Solid Waste

The project would be served by the City's franchised waste hauler, in compliance with the applicable standards governing residential solid wastes and recyclables. The landfill facility that would receive the non-recyclable solid waste generated by the proposed project, the Altamont Landfill owned and operated by Waste Management of Alameda County, is anticipated to have capacity until the year 2045. The proposed development would comply with applicable local, state, and federal laws and policies regarding solid waste. As there is sufficient capacity at local landfills to serve the project, the project would have a less than significant impact on solid waste facilities and services. [Less Than Significant Impact]

Potential Impact: Less than Significant
Mitigation: None Required

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X			See Previous
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X		See Previous
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X		See Previous

Discussion/Conclusion/Mitigation

The above discussion adequately addresses all potential impacts the proposed project may have on the environment. This initial study has found that the proposed project would not have the potential to degrade the quality of the environment. The implementation of the identified mitigation measures listed in Section XIX, below, combined with the project conditions of approval, would reduce all impacts the project may have to a less-than-significant level.

XIX. MITIGATION MEASURES:

MM Air-1: Temporary Construction Emissions. Prior to the issuance of a grading permit, the following best management practices shall be included in a dust control plan to limit fugitive dust emissions and noted on the grading and construction plans along with the contact information for a designated crew member responsible for the on-site implementation of the dust control plan:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

MM Air-2: If the Final Grading Plan for the Project indicates that 10,000 cubic yards of soil or more will be exported from the site, Mitigation Measure MM Air-2 will be required. Additional Construction Mitigation Measure for Projects ~~potentially~~ Above the BAAQMD Thresholds of Significance.

1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
5. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.

6. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
8. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
9. Minimizing the idling time of diesel powered construction equipment to two minutes.
10. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.
11. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
12. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.
13. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines.

MM Bio-1.1: Pre-Construction Surveys. If project-related activities are scheduled to occur during the nesting season (February 1 through August 31 for protected raptors and migratory birds), a pre-construction survey will be conducted by a qualified biologist for nesting birds within the onsite trees as well as all trees within 250 feet of the site within 30 days prior to the beginning of any project-related activities. If a lapse in the project-related work of 30 days or longer occurs during the nesting season, another survey shall be required before project work can be reinitiated. If an active nest is found, the permittee (applicant or developer) shall establish a buffer area that surrounds the nest location. The width of the buffer shall be determined by the survey biologist and shall be dependent on the location of the nest and the affected species. No project-related work or activities shall be permitted within the buffer area until the biologist has determined the young are self-sufficient from their parents. The final determination shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.

MM Bio-1.2a: A pre-construction survey will be conducted by a qualified biologist for burrowing owls within 30 days of the on-set of construction. This survey will be conducted according to methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). All suitable habitats of the site will be covered during this survey.

MM Bio-1.2b: If pre-construction surveys undertaken during the breeding season (February 1 through August 31) locate active nest burrows within or near construction zones, these nests, and an appropriate buffer around them (as determined by a qualified biologist) will remain off-limits to

construction until the breeding season is over or until a qualified biologist has determined that the natal burrow is no longer in use.

MM Bio-1.2c: During the non-breeding season (September 1 through January 31), resident owls may be relocated to alternative habitat. The relocation of resident owls must be according to a relocation plan prepared by a qualified biologist. Passive relocation will be the preferred method of relocation. This plan must provide for the owl's relocation to nearby lands possessing available nesting and foraging habitat.

MM Bio-1.3a: A detailed bat survey shall be conducted prior to demolition of onsite buildings or removal of eucalyptus trees (eucalyptus trees are not currently proposed for removal, however, should plans change to remove eucalyptus trees, preconstruction surveys would be necessary). If a non-breeding and non-wintering bat colony is found, the individuals should be humanely evicted via the partial dismantlement of the buildings prior to demolition under the direction of a qualified bat specialist to ensure that no harm or "take" would occur to any bats as a result of demolition activities.

MM Bio-1.3b: If a maternity colony or overwintering colony is detected in the buildings, then a construction-free buffer should be established around the structure and remain in place until it has been determined that the nursery is no longer active. Demolition should preferably be done between March 1 and April 15 or August 15 and October 15 to avoid interfering with an active nursery and/or overwintering bats. Mitigation would not be required for the loss of roosting or foraging habitat for bats, as such habitat is abundantly available regionally.

MM Bio-1.3c: The Townsend's big-eared bat is currently undergoing review to be listed as Endangered under the California Endangered Species Act and is afforded all protections of a fully Endangered species during the review process. If a Townsend's big-eared bat maternity colony is detected (typical maternity dates are between April 15 and October 15) during surveys, a take permit (2081 Application) from the CDFW may be required, including a discussion of take avoidance, minimization, and compensation.

MM Bio-1.4a: Pre-construction surveys conducted for burrowing owls should also be used to determine the presence or absence of badgers in the development footprint.

MM Bio-1.4b: If an active badger reproductive den is identified during preconstruction surveys within or immediately adjacent to the construction envelope, a construction-free buffer of up to 300 ft. should be established around the den. Because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor should be present onsite during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or nest abandonment. The monitor would be necessary onsite until it is determined that young are of an independent age and construction activities would not harm individual badgers. Once

it has been determined that badgers have vacated the site, the burrows can be collapsed or excavated, and ground disturbance can proceed.

MM Bio-1.4c: If an active day-use den is identified during preconstruction surveys, a construction-free buffer will be established around the den and a biological monitor will monitor the den with tracking medium and possibly wildlife cameras until the badger has left the den and it is no longer in use. Once it has been determined that badgers have vacated the site, the burrows can be collapsed or excavated, and ground disturbance can proceed.

MM Bio-1.5: Surveys of special status plant species should be conducted by a qualified biologist in the appropriate season to determine the presence and extent of these species onsite. For the species listed above, two surveys should occur: one in Spring (April or May) and the other in Fall (early October). Should these species occur onsite, additional mitigation may be warranted. The final determination on any additional mitigation shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.

MM Cult-1.1: Discovery of Archaeological Resources. If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, all work within 200 feet of the find shall halt until a qualified archaeologist and Native American representative can assess the significance of the find. Prehistoric materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or tool making debris; culturally darkened soil ("midden") containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.

MM Cult-1.2: Discovery of Human Remains. In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 200 foot radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Alameda County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission within 24 hours. The Commission shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

MM Cult-1.3: Discovery of Paleontological resources. In the event of the discovery of Paleontological resources during construction or demolition, there shall be no further excavation or disturbance of the site within a 200 foot radius of the location of such discovery until it can be evaluated by a qualified archeologist or paleontologist. Work shall not continue until the archeologist or paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.

MM Haz-1: Prior to issuance of building and/or grading permits for site development, remediation work to remove known contaminants or Recognized Environmental Conditions (RECs) at the subject property shall be implemented to the satisfaction of the Alameda County Water District (ACWD), City of Fremont Fire Department, California Department of Toxic Substance Control (DTSC), or other appropriate agency having jurisdiction, depending on the location (e.g., depth) and the type of REC found and the jurisdictional purview of the agencies. Completion of the remediation work and procurement of an appropriate closure document or written statement that the remediation work has been satisfactorily completed and without further conditions or obligations shall be submitted to the satisfaction of the City of Fremont Community Development Department. Compliance with this mitigation may require the applicant or their agent to complete a Preliminary Endangerment Report, Voluntary Cleanup Agreement or other documentation as determined by the appropriate agency, and receive concurrence that the site's RECs have been resolved.

MM Noise-1.1a (Sound Walls):To reduce exterior noise levels generated from uses on Mission Boulevard to an Ldn of 60 dB(A), an eight foot high sound-rated barrier (with respect to the elevation of the backyard grade height) will be installed to shield the backyards adjacent to Mission Boulevard. A six foot high sound-rated barrier will be installed to shield any portion of the backyard of Lot 20 that is directly exposed to Mission Boulevard.

MM Noise-1.1b (Windows and Exterior Doors):

To reduce interior noise levels to an Ldn of 45 dB(A) in habitable rooms, the windows and exterior doors for habitable rooms on all new buildings shall be Sound Transmission Class (STC) 30 or higher. For the west, south, and east elevations of the proposed houses on Lots 1, 2, and 3, STC 35 assemblies shall be used for bedrooms on the first floors, STC 32 assemblies shall be used for living rooms on the first floors, STC 40 assemblies shall be used for bedrooms on the second floors (and above), and STC 35 assemblies shall be used for living rooms on the second floors (and above). For the west, south, and east elevations of the proposed house on Lot 20, STC 32 assemblies shall be used for bedrooms and STC 28 assemblies shall be used for living rooms.

MM Noise-1.1c (Ventilation): To ensure windows of the new buildings may remain closed to reduce interior noise levels of habitable spaces to an Ldn of 45 dB(A), an alternate means of providing outside air (e.g., HVAC, Z-ducts) shall be installed on all new buildings.

GENERAL SOURCE REFERENCES:

The following is a list of references used in the preparation of this document. Unless attached herein, copies of all reference reports, memorandums and letters are on file with the City of Fremont Department of Community Development. References to publications prepared by federal or state agencies may be found with the agency responsible for providing such information.

1. Existing land use.
2. City of Fremont General Plan (Land Use Element Text and Maps)
3. City of Fremont Municipal Code Title 18, Planning and Zoning (including Tree Preservation Ordinance)
4. City of Fremont General Plan (Certified 2009 Housing Element)
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Safety Element)
6. City of Fremont General Plan (Safety Element)
7. City of Fremont General Plan (Mobility Element)
8. City of Fremont General Plan (Conservation Element, including Biological Resources, Water Resources, Land Resources, Air Quality, Energy Conservation and Renewable Energy)
9. City of Fremont General Plan (Safety Element, subsection Noise & Vibration)
10. City of Fremont General Plan (Public Facilities Element)
11. City of Fremont General Plan (Community Character Element)
12. City of Fremont General Plan (Parks and Recreation Element)
13. City of Fremont General Plan (Community Plans Element, Measure T)
14. RWQCB National Pollutant Discharge Elimination System (NPDES) Municipal Permit October 2009
15. RWQCB, Construction Stormwater General Permit, September 2009
16. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
17. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Safety Element)
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Ca./EPA, pursuant to Government Code Section 65962.5 (accessed online)
19. Department of Conservation Important Farmland Map 2012
20. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List)
21. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010)
22. CARB Scoping Plan December 2008
23. City of Fremont Greenhouse Gas Emissions Inventory 2005
24. City of Fremont Municipal Code Title 8, Health and Safety (e.g. solid waste, hazardous materials, etc.)
25. City of Fremont Municipal Code Title 12, Streets, Sidewalks & Public Property
26. City of Fremont Municipal Code Title 15, Building Regulations
27. City of Fremont Wireless Telecommunications Ordinance
28. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
29. Local Cultural Resource Maps (CHRIS)
30. Fremont High Fire Severity Zone Map

PROJECT RELATED REFERENCES:

A. Project Plans prepared by Ruger – Jensen - Azar, dated various dates in August and September 2014
B. Biotic Evaluation Dias and Hobbs by Live Oak Associates, Inc., dated April 3, 2014
C. Tree Survey conducted by Monarch Consulting Arborists, LLC., Certified Arborist Rick Gessner, in December 2013
D. California Department of Parks and Recreation 523A Primary Record Forms recorded by William Kostura in February 2013
E. Standards Compliance Assessment by Architectural Resources Group, Inc., dated May 29, 2014
F. Environmental Noise Feasibility Study conducted by Charles M. Salter Associates, Inc., dated November 22, 2013
G. Geotechnical Report prepared by Pacific Geotechnical Engineering Incorporated, dated November 21, 2013
H. Phase I Environmental Site Assessment conducted by ENGEO Incorporated, dated June 19, 2014
I. Work Plan for Environmental Assessment and Remediation Work by Weber, Hayes & Associates, dated August 14, 2014
J. Accidental Release Risk Assessment by ENVIRON, dated May 2012